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98TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
No. 98-297

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

ON THE INQUIRY UNDER HOUSE RESOLUTION 12

98TH CONGRESS, 1ST SESSION

JULY 14, 1983.—Referred to the House Calendar and ordered to be printed

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ADDENDUM TO

House Report No. 98-297

With respect to the matter of Representative Studds, the Special Counsel's Final Report to the House Committee on Standards of Official Conduct on the Investigation into Allegations of Improper or Illegal Sexual Conduct ("report") at Section VII C 2 recommended a statement of alleged violation. As reflected at pp. 73-78 of the report, the Special Counsel made this recommendation at a time when Representative Studds stated that he did not wish to waive his right to a statement of alleged violation and a public hearing.

Subsequent to the filing of the report with the Committee, but prior to the Committee's taking action, Representative Studds agreed to the special procedure described at pp. 56 and 57 of the report in reference to Representative Crane. Once Representative Studds (through his attorney's letter attached as Exhibit A) agreed to this procedure and stated that he "does not contest the fact of a sexual relationship with a page in 1973 and sexual advances to two other pages in 1973", the Special Counsel recommended (1) that the Committee adopt the procedure and (2) that the Committee recommend that the House reprimand Representative Studds. The Committee acted on these recommendations.

EXHIBIT A

July 14, 1983
HAND DELIVERED

Joseph A. Califano, Jr., Esq.
Special Counsel
U.S. House of Representatives
Committee on Standards of
Official Conduct
Washington, D.C.

Dear Mr. Califano:

I am writing as attorney for Congressman Gerry E. Studds to inform you that Congressman Studds does not contest the fact of a sexual relationship with a page in 1973 and sexual advances to two other pages in 1973. He waives his right to a statement of alleged violation in connection with these facts and also waives his right to a public hearing before the Committee and agrees that the Committee may act on the basis of the report of its special counsel, the personal statement of Representative Studds, and the statements of his counsel and our letters in his behalf to the Committee.

This letter further records the fact that I have not read the report of special counsel but have relied upon statements made by you to me concerning its contents in our conversations of today.

Very Truly Yours,

Morris M. Goldings, Esq.

98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 98-297

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 12 CONCERNING ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

JULY 14, 1983.—Referred to the House Calendar and ordered to be printed

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Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

On July 13, 1982, the House agreed to House Resolution 518, 97th Congress. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

On July 27, 1982, this Committee retained Joseph A. Califano, Jr. as Special Counsel to conduct the investigation. The Committee's Special Counsel thereafter assembled a staff and has carried out an extensive investigation.

The Special Counsel has today filed his final report with this Committee on his investigation into alleged improper or illegal sexual conduct involving congressional pages by Members, officers, or employees of the House. The Committee has approved his report, and it is attached as an Appendix to this Report.

I. FINDINGS BY SPECIAL COUNSEL

With the full support and encouragement of this Committee, the Special Counsel carried out an exhaustive investigation into all allegations received by the Committee of sexual misconduct by Members, officers, or employees of the House involving pages. The Special Counsel has reported to this Committee that he has found no evidence whatsoever of widespread improper or illicit sexual conduct by Members, officers, or employees of the House involving congres-

sional pages. The Special Counsel has reported that the evidence he has developed in the course of his investigation showed time and again that allegations and rumors of misconduct were the product of gossip or even out-and-out fabrication. The Special Counsel reported that several central findings dominated his investigation:

First, he received no credible evidence of sexual misconduct involving congressional pages by Members, officers, or employees of the House during the period July, 1981 to June, 1982. This was the time period involved in the original highly publicized charges of sexual misconduct that prompted the House to direct this Committee to carry out an investigation.

Second, as detailed in the Special Counsel's interim report of last December, the evidence he obtained showed that there was "no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages" Leroy Williams and Jeffrey Opp, whose sensational charges received such publicity a year ago.

Third, during the course of his investigation, the Special Counsel obtained evidence of three cases of improper sexual conduct involving pages that occurred earlier than the 1981–1982 time period which was the focus of the original allegations and of the investigation conducted by the Committee and by the Special Counsel. Two of these cases involve conduct that occurred in 1980. One case involves conduct that occurred in 1973.

Fourth, with the exception of the three cases, his investigation uncovered no evidence at all to support any of the allegations of improper sexual conduct involving congressional pages or preferential treatment received by the Committee and investigated by the Special Counsel. To the contrary, the Special Counsel reported that, in all but the three cases, the evidence he developed showed conclusively that these allegations were not true or that there was no credible basis for the allegations.

The Special Counsel has reported to the Committee that he obtained evidence in three cases of improper or illegal sexual conduct involving pages by two Members of the House and one employee of the House. The incidents in question occurred between three and ten years ago. Specifically, the Special Counsel reported that he had obtained evidence that:

Representative Daniel B. Crane engaged in a sexual relationship with a 17-year-old female page in 1980.

Representative Gerry E. Studds engaged in a sexual relationship in 1973 with a 17-year-old male page (who may have been 16 when the relationship began); and made sexual advances in 1973 to two other male pages, one who was 16 or 17 years old at the time, the other 17 years old.

James Howarth, Majority Chief Page in the House Doorkeeper's Office, with supervisory responsibilities over pages, engaged in a sexual relationship with a 17-year-old female page in 1980 who was at the time under his direct supervision, and gave her preferential treatment. The Special Counsel also reported to the Committee that there is evidence that Mr. Howarth purchased cocaine in the House Democratic Cloakroom in 1980.

II. Recommendations by the Special Counsel and Action by the Committee

A. Representative Crane

In this case, Representative Crane has admitted the essential facts found by the Special Counsel, waived his right to a statement of alleged violation and to a public hearing before the Committee and agreed that the Committee could act immediately on the basis of the Special Counsel's report and statements submitted to the Committee by Representative Crane's attorney. For the reasons set out in his report, the Special Counsel recommended to the Committee (a) that the Committee find that Representative Crane's consensual sexual relationship in 1980 with a female page employed by the House of Representatives constituted a violation of clause 1 of the Code of Official Conduct of the House of Representatives and (b) that the Committee recommend that the House reprimand Representative Crane. The Committee has voted to follow the recommendation of the Special Counsel. The Committee's action in this matter is set out in a separate report, In the Matter of Representative Daniel B. Crane, Rpt. No. 98–296.

B. Representative Studds

In this case, Representative Studds has admitted the essential facts found by the Special Counsel, waived his right to a statement of alleged violations and to a public hearing before the Committee and agreed that the Committee could act immediately on the basis of the Special Counsel's report and statements submitted to the Committee by Representative Studds and his attorneys. For the reasons set out in his report, the Special Counsel recommended to the Committee (a) that the Committee find that Representative Studds' consensual sexual relationship in 1973 with a male page, and his sexual advances to two other male pages in 1973, all of whom were employed by the House of Representatives, constituted violations of clause 1 of the Code of Official Conduct of the House of Representatives, and (b) that the Committee recommend that the House reprimand Representative Studds. The Committee has voted to follow the recommendation of the Special Counsel. The Committee's action in this matter is set out in a separate report, In the Matter of Representative Gerry E. Studds, Rpt. No. 98–295.

C. Employee Howarth

With respect to employee Howarth, the Special Counsel recommended that the Committee initiate disciplinary proceedings against him and vote to transmit to him a statement of alleged violation. Based on the Special Counsel's recommendation, the Committee voted to transmit the statement of alleged violation. The Committee will now conduct the proceedings specified in the Committee's rules, and it will report to the House on this case at the conclusion of those proceedings.

Statement Under Clause 2(b) of Rule X

The Committee's oversight findings and recommendations are as stated above.

No budget statement is submitted.

This report was adopted by a show at hands, 11 yeas, 1 nay, on July 14, 1983.

APPENDIX

FINAL REPORT OF THE SPECIAL COUNSEL TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON THE INVESTIGATION INTO ALLEGATIONS OF IMPROPER OR ILLEGAL SEXUAL CONDUCT UNDER H. RES. 518, 97TH CONGRESS, AND H. RES. 12, 98TH CONGRESS

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I. Introduction and Summary

A. Background of the Investigation

On July 13, 1982, the House of Representatives, by a 407 to 1 vote, passed House Resolution 518, which authorized and directed the Committee on Standards of Official Conduct to "conduct a full and complete inquiry and investigation" into allegations of:

(1) improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House in exchange for sexual favors or drugs.

H. Res. 518, 97th Cong., 2d Sess. (1982).

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment is required and to advise the Committee of his findings and recommendations.

The Speaker, the Majority Leader, and the Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member, Floyd Spence, in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made." On January 3, 1983, the House agreed to House Resolution 12, 98th Cong., 1st Sess., which authorized and directed the Committee to continue and complete the investigation begun pursuant to H. Res. 518.

This is the final report of the Special Counsel concerning allegations of improper or illegal sexual conduct. This report, together with the Special Counsel's Interim Report of December 14, 1982 (attached as Appendix A), details the complete results of the investigation into allegations of sexual misconduct. It responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations. This report sets out (1) the investigative work completed with respect to allegations involving sexual misconduct, (2) the findings and conclusions of the Special Counsel regarding this work, and (3) the recommendations of the Special Counsel on actions the Committee should take.

The Special Counsel recommends that the Committee make this report public.

Pursuant to H. Res. 518 and H. Res. 12, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees

of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives over the three year period from September, 1979 to August, 1982. The Special Counsel also investigated allegations of illegal or improper sexual conduct involving pages occurring before this time period which were brought to his attention.

The investigation carried out by the Special Counsel and this Committee sought out hundreds of past and present congressional pages, dozens of individuals who supervised and taught those pages, hundreds of congressional staff members, and many other individuals with knowledge of the page system. In all, the Special Counsel's office has conducted some 700 interviews, taken more than 125 depositions covering more than 6,000 transcript pages, tried to contact every House page who served since September, 1979 and dozens who served earlier, travelled almost 100,000 miles to more than 50 cities, and devoted more than 50,000 hours of staff time to the investigation.

For the overwhelming majority of pages, their work in the House of Representatives ranks as one of the most important and rewarding experiences of their lives. The Special Counsel can report to this Committee, to the House, and to the Nation that he has found no evidence of widespread improper or illegal sexual conduct by Members, officers, or employees of the House involving congressional pages. The evidence developed in the course of this investigation has shown time and again that allegations and rumors of misconduct were the product of teenage exaggeration, gossip or even out-and-out fabrication that was often repeated mercilessly in a political capital that thrives on rumor.

In truth, the House as an institution can be rightfully proud of the experience it has provided to thousands of American youngsters who have served as pages over the years.

B. SUMMARY OF FINDINGS

Three central findings dominate the exhaustive investigation carried out by the Special Counsel.

First, the Special Counsel received no credible evidence of sexual misconduct by Members, officers or employees of the House of Representatives involving congressional pages during the 1981–82 time period involved in the original charges that prompted this investigation.

Second, as detailed in the Special Counsel's Interim Report of last December, the evidence obtained showed there was no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages, Leroy Williams and Jeffrey Opp, whose sensational charges received such intense publicity a year ago.

With the exception of three cases, the investigation uncovered no evidence to support the dozens of allegations that the Committee received concerning improper sexual conduct involving congressional pages or of preferential treatment of congressional pages in exchange for sexual favors. To the contrary, with the three exceptions, the evidence showed conclusively that these allegations were not true, or there was no credible basis for them.

The improper sexual conduct which the Special Counsel has uncovered took place between three and ten years ago. Two current Members of the House and one current employee were involved in separate incidents. The evidence obtained indicates that these were isolated instances, not typical of Members of the House of Representatives, or its employees. During the ten year period in which these incidents occurred, or are alleged to have occurred, more than 850 men and women have served as Members of the House; more than 60,000 employees have worked in the House.

At a time when confidence in many of our government institutions is low, each of us has a particular responsibility to be precise and accurate when discussing allegations of misconduct by public officials. When improper behavior occurs, it should not be understated or excused. It must be rooted out vigorously, promptly and publicly. But discovery of improprieties by a few, should not be allowed unjustly to sully the reputations of their colleagues, who labor long and hard for the public interest.

Speaking as the Special Counsel who carried out the investigation, I believe it is clear that the House of Representatives as an institution has been vindicated by this investigation. The investigation developed no evidence of any widespread sexual misconduct involving pages, and no evidence of sexual relationships by Members with pages involving preferential treatment.

The House of Representatives has discharged fully and completely its constitutional duty to police itself. This investigation has been searching and exhaustive. There have been no holds barred. The necessary resources have been provided. The bipartisan House leadership and Committee members have supported without qualification a thorough and independent investigation of these matters. Rarely has an institution in our democracy subjected itself to such a penetrating ordeal. The evidence of three cases involving sexual misconduct should be seen in that perspective.

The evidence of improper or illegal sexual conduct involving pages indicates that this conduct took place between three and ten years ago. In the instance involving sexual relationships, the pages involved have testified that the relationships were consensual. The Special Counsel has obtained evidence that:

Congressman Daniel B. Crane engaged in a sexual relationship with a 17-year-old female page in 1980.

Congressman Gerry E. Studds engaged in a sexual relationship in 1973 with a 17-year-old male page (who may have been 16 when the relationship began); and made sexual advances in 1973 to two other male pages; one was 16 or 17 years old at the time, the other was 17 years old.

James C. Howarth, Majority Chief Page in the House Doorkeeper's Office, who had supervisory responsibilities over pages, engaged in a sexual relationship with a 17-year-old female page in 1980 who was at the time under his direct supervision, and gave her preferential treatment. There is also evidence that Mr. Howarth purchased cocaine in the House Democratic cloakroom during the period January, 1979 to December, 1980.

C. CONGRESS SPECIAL RESPONSIBILITY TO ITS PAGES

The legislative history of House Resolution 518, as well as the legislative history of other House actions involving pages, reflects a recognition by the House of the special responsibility the House has in relation to its pages. This legislative history clearly establishes that the House of Representatives has a special relationship, analogous to in loco parentis, to the teenage pages it employs. As the Doorkeeper of the House has testified, the pages are the "wards" of the House.

Under these circumstances, a sexual relationship between a Member of the House and a teenage House page, even if consensual, constitutes a breach of the official obligatioans of a Member of the House. A sexual relationship between a page supervisor and a page under that supervisor's authority constitutes a serious violation of the fiduciary duty such a supervisor owes to his teenage charges.

Any such sexual relationships are precisely the type of improper sexual conduct covered by H. Res. 518 and H. Res. 12 and constitute a violation of clause 1 of the Code of Official Conduct of the House of Representatives, which states:

> A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

D. JURISDICTION OF THE HOUSE OVER CONDUCT OCCURRING IN A PRIOR CONGRESS

It is clear that the House has jurisdiction over matters occurring in prior Congresses. In House Report No. 351, 96th Congress, 1st Session, pp. 3–5, the Committee most recently set forth its jurisdiction to recommend disciplinary action for conduct occurring in previous Congresses. The House subsequently adopted the Committee's recommendations contained in this report, and during the 96th Congress, censured Representative Charles C. Diggs, Jr., for conduct which occurred during the 93rd, 94th and 95th Congresses. In House Report No. 930, 96th Cong., 2d Sess. 121–124 (1980), the Committee determined that statutes of limitations and the principle of laches are not applicable to congressional disciplinary proceedings. The House concurred in this judgment by adopting in 1980 a resolution of censure against Representative Charles H. Wilson, for conduct which occurred eight and nine years earlier, in 1971 and 1972. 126 Cong. Rec. H4708 (daily ed. June 10, 1980).

E. SUMMARY OF RECOMMENDATIONS

Based on the evidence, it is may responsibility as Special Counsel to recommend that the Committee take action with respect to the conduct of Representative Crane, Representative Studds and Mr. Howarth.

Existing Committee rules provide for the issuance of a Statement of Alleged Violation by the Committee. Following the issuance of such a Statement, the Committee establishes a timetable for motions and briefs by counsel and for a public hearing with testimony and cross-examination of witnesses. But Section 8 of H. Res. 518, 97th

Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate."

The matters presently before the Committee involve questions of great sensitivity for everyone, particularly the former pages involved, if there are extended public proceedings. Under Section 8 of H. Res. 518 and based on this consideration, the Special Counsel recommended to the Committee that it adopt special procedures if any respondent did not wish to contest the factual findings of the Special Counsel and was willing to waive his rights to a Statement of Alleged Violation and to a public hearing. Under these special procedures the Committee would act on the basis of the Special Counsel's report and the statement made by the respondent to the Committee. The Special Counsel's report and the respondent's statement, if any, would be made public at the time the Committee acts.

Representative Daniel Crane elected to follow this special procedure. He has admitted having a sexual relationship with a 17-year-old female page in 1980. He has waived a formal Statement of Alleged Violation and a public hearing before this Committee. He has agreed that the Committee may act in his case on the basis of the statements to the Committee by his counsel and the report of the Special Counsel. The Special Counsel recommends that the Committee find that Representative Crane has engaged in improper sexual conduct and has violated clause 1 of the Code of Official Conduct by failing to "conduct himself * * * in a manner which shall reflect creditably on the House of Representatives", and vote to recommend that the House of Representatives reprimand Representative Crane for this violation.

Representative Studds and Mr. Howarth have not waived their rights to a Statement of Alleged Violations and a public hearing. In their cases, the Special Counsel recommends that the Committee issue the Statements of Alleged Violation attached as Appendices B (Representative Studds) and C (Mr. Howarth).

The balance of this report describes:

The nature and scope of the investigation conducted by the Special Counsel;

The legal standards applied by the Special Counsel;

The cases against Representative Crane, Representative Studds and Mr. Howarth; and

Allegations of sexual misconduct, investigated by the Special Counsel since the Interim Report of December 14, 1982, that have proved groundless.

II. The Interim Report of the Special Counsel

On December 14, 1982 the Special Counsel submitted an Interim Report to the Committee detailing, as of that date, the results of his investigation of allegations of improper or illegal sexual conduct. H.R. Rep. No. 965, 97th Cong., 2nd Sess., Appendix A (1982), attached at Appendix A to this report.

In the Interim Report, the Special Counsel found "no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages," Leroy Williams and Jeffrey Opp. Appendix A, p. 6. The Special Counsel affirmatively concluded "that the evidence

conclusively indicates that all charges of sexual misconduct made by these two pages were false." Id.

In the Interim Report, the Special Counsel noted, however, that several instances of possible sexual misconduct involving pages or preferential treatment remained under investigation, and recommended that the Committee transmit the remaining matters to the 98th Congress so that the investigation could be completed. The Special Counsel's Interim Report summarized the status of the investigation:

> Not all of the allegations of sexual misconduct received by the Special Counsel have yet been fully investigated, however. In one case, the Special Counsel has recommended that a Preliminary Inquiry be initiated by the Committee, and the investigation of this case is continuing. The Special Counsel also continues to investigate a limited number of other allegations of sexual misconduct. No details will be provided at this time on any of the matters still under investigation. Id. at 23.

Based on the Special Counsel's recommendations, the Committee voted (a) to initiate a Preliminary Inquiry regarding alleged sexual misconduct by Mr. Howarth, and (b) to transmit all materials in the Preliminary Inquiry and other matters still under investigation to the 98th Congress with a recommendation that these matters be completed as promptly as possible in that Congress. House Resolution 12 of the 98th Congress, passed on January 3, 1983, authorized the Committee to continue the inquiry and investigation begun under by H. Res. 518.

This Final Report now provides the results of the rest of the Special Counsel's investigation, pursuant to H. Res. 518, 97th Congress, and H. Res. 12, 98th Congress, with respect to allegations of improper or illegal sexual conduct by Members, officers, or employees of the House.

The findings and recommendations of the Special Counsel with respect to the continuing investigation of allegations of illicit use or distribution of drugs by Members, officers, or employees of the House will be set forth in a separate report.

III. Scope of Investigation Involving Sexual Misconduct

A. Language and Legislative History of House Resolution 518

The Special Counsel has taken the language and legislative history of H. Res. 518 as the guide in determining the proper scope of the investigation involving sexual misconduct.

Section 1 of H. Res. 518 directs the Committee to investigate "alleged improper conduct referred to in this resolution which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies. * * *"

The conduct "referred to in this resolution" is the conduct described in the "Whereas" clause of the resolution, specifically,

> (1) alleged improper or illegal sexual conduct of Members, officers, or employees of the House;
> * * * and
> (3) the offering of preferential treatment by Members, officers, or employees to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) * * *

The resolution also provided that the "scope of the inquiry and investigation may be expanded by the Committee to extend to any matters relevant to discharging its responsibilities pursuant to this resolution or the Rules of the House of Representatives."

The discussion of H. Res. 518 on the House floor on July 13, 1982, leaves no doubt that the "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" referred to conduct involving pages.

The resolution was introduced by Chairman Louis Stokes and Ranking Minority Member Floyd Spence on July 13, 1982, in the aftermath of reports of sexual misconduct involving pages. Chairman Stokes explained that, on July 1, he had instructed the staff of the Committee "to commence a thorough investigation of the allegations as reported by the media at that time." 128 Cong. Rec. H4012 (daily ed. July 13, 1982). He urged passage of the resolution to enable the Committee to "proceed in an orderly fashion in pursuing this investigation." Id.

Representative William Alexander, who spoke in favor of the resolution, referred to "allegations of scandal . . . levied against the Members of Congress as well as the pages who assist them." Id. at H4035. He then quoted from a etter he had received from a former page, stressing the page's hope that "the Congress will take speedy action to restore the honor, dignity, and pride that pages enjoy who have served in the Congress." Id.

Representative Margaret Heckler, who urged the appointment of a special prosecutor to investigate the allegations, stated:

> We are dealing here with entirely new and far more sensitive areas of abuse of power if the allegations are true. I think we have a responsibility *to the young people who are the pages*, to our service in this Congress, and to the people of America, to the parents, to the Congress itself, to deal with the sensitivity of this situation so as to inspire confidence in the integrity of this Congress.

Id. at H4036 (emphasis added).

The resolution's reference to conduct "which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies" reinforces the conclusion that the sexual misconduct to be investigated involved congressional pages. In the area of sexual misconduct, the "recent investigation" by the Department of Justice and the Federal Bureau of Investigation concerned allegations about misconduct of House Members and employees involving pages. In addition, the United States Capitol Police had conducted an investigation in February, 1982, which also focused specifically on House pages.

The intended meaning of H. Res. 518 appears clear. The references to "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" are directed at sexual misconduct involving pages.

The first phase of the Special Counsel's investigation focused on the period from July, 1981, to June, 1982,[1] and on allegations by two former pages that received national press attention beginning on June 30, 1982. To insure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods.

Finally, H. Res. 518 refers to "Members, officers, or employees" of the House. In keeping with this language and the tradition of the Committee, the scope of the investigation has not extended to allegations concerning former Members, officers, or employees.

B. DEFINITION OF SEXUAL MISCONDUCT

In recognition of the special situation and vulnerability of congressional pages, the Committee and its Special Counsel have broadly defined "improper sexual conduct" in determining whether particular allegations involving pages should be investigated.

House pages are generally high school juniors and seniors, between 16 and 18 years of age. By statute, they cannot be appointed until their parents or legal guardians have been fully informed of the nature of their work, pay and working conditions, and the housing accommodations available to them.[2]

Because of their young age, on a number of occasions the House has considered discontinuing the use of high school teenagers as pages. For example, the Legislative Reorganization Act of 1970, Pub. L. 91–510, 84 Stat. 1198 (1970), as originally introduced, would have barred the appointment of pages who had not yet completed the twelfth grade of their secondary school education. 116 Cong. Rec. H32,229 (1970). Among the reasons commonly offered for using older pages is the desirability of minimizing or eliminating Congress's supervisory responsibility for pages. See e.g., Speaker's Commission on Pages, Report to the Speaker, 97th Cong., 2d Sess. 7 (1982); H. Rep. No. 91–1215, 91st Cong., 2d Sess. 2930 (1970).

Congress plainly accepts a considerable responsibility for pages. That responsibility is necessarily shared by every Member, officer and employee of the House. Where preferential treatment is, expressly or implicitly, an element of a sexual relationship between a Member, officer or employee and a page, or an element of a sexual overture or advance directed at a page, the conduct explicitly falls within H. Res. 518. But considering the young age of these pages and the facts that they are away from home and dependent on the House for school, work and money to live on, any sexual advance or relationship of any kind involving a page and a Member, officer or employee potentially entails an element of either preferential treatment or coercion, and hence an abuse of office or position.

As set forth in the Interim Report of December 14, 1982, approved by the Committee, the investigation has, therefore, proceeded on the assumption that any sexual relationship, whether homosexual or heterosexual, between a page and a Member, officer or employee, or any

[1] This time period covers the terms of service of virtually all the pages whose employment overlapped with that of the two pages whose charges were reported in news broadcasts on June 30, 1982 and July 1, 1982.

[2] 2 U.S.C. § 88b–1(a)(2).

sexual harassment, overture or advance directed at a page by a Member, officer or employee, should be investigted as potentially "improper sexual conduct" under H. Res. 518.[3]

Where the Special Counsel came across evidence of possibly impropr sexual misconduct not involving pages and not within the scope of H. Res. 518, he has turned that material over to the Committee for whatever action it considers appropriate, because such conduct was outside the scope of H. Res. 518.

C. ALLEGATIONS INVOLVING THE SENATE

In some instances, the Special Counsel has received information bearing on Members, officers, or employees of the Senate. The Special Counsel has not investigated these matters because the jurisdiction of the Committee runs only to the House. At the direction of the Committee, and in accordance with an agreement between the Committee Chairman and Senate Majority Leader Howard Baker, the Special Counsel has referred all such information to the Select Committee on Ethics of the U.S. Senate. The letters setting forth the agreement are set forth in Appendix D of this reeport.

IV. How the Investigation Was Conducted

A. APPOINTMENT OF THE SPECIAL COUNSEL AND STAFFING OF THE SPECIAL COUNSEL'S OFFICE

Shortly after Chairman Stokes and Ranking Minority Member Spence announced the appointment of Joseph A. Califano, Jr., as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518, Mr. Califano assembled the staff of the Special Counsel's office. In staffing the office, as throughout the investigation, the pledges of independence were unequivocably supported by the Democratic and Republican House leadership. The staff of the Special Counsel's office has averaged nine lawyers, seven investigators, three researchers and six clerical employees.

B. CHARACTERISTICS OF THE INVESTIGATION

Since July 27,1982, the Special Counsel has attempted to investigate every specific allegation [4] that has come to his attention concerning the

[3] It has been suggested that H. Res. 518 meant to restrict the Committee's investigation of alleged sexual misconduct involving Congressional pages *exclusively* to those individual cases that were in fact investigated by the Department of Justice in its 1982 investigation in this area. The Special Counsel has been unable to detect any indication in the legislative history or the text of H. Res. 518 that would support such a restrictive and crabbed interpretation. First, it would be anomolous for the House to abdicate its Constitutional responsibility to discipline its Members—which differs significantly from the Justice Department's duty to enforce the criminal law—by limiting the Committee's investigation to the specfic case under review by Justice. Second, the language of H. Res. 518 does not support such a narrow reading. H. Res. 518 directs the Committee to investigate "alleged improper *conduct* referred to in this resolution which has been the subject of investigations by the Department of Justice . . ." (emphasis added). By referring generally to "conduct" and not to "case of improper conduct." H. Res. 518 identified a subject matter to be investigated—namely, alleged sexual misconduct involving pages. In the discussion on the floor of the House when H. Res. 518 was passed, the Chairman and other House members referered broadly to pages and stories in the press as well. H. Res. 518 did not require the Committee to ascertain which individual cases were being investigated by Justice and then limit its own investigation to those individuals, regardless of other evidence which the Special Counsel and the Committee discovered. Indeed such an interpretation would make a mockery of any serious *independent* investigatory effort. So intent was the House to mount such an effort that it authorized the Committee to expand its investigation "to any matter relevant to discharging its responsibilities pursuant to . . . the Rules of the House of Representatives."

[4] Some allegations concerned events so far in the past, e.g., more than 20 years ago, or were so vague that investigation was not practicable.

subject matter of H. Res. 518 and H. Res. 12. In addition, the Special Counsel's office undertook wideranging efforts to contact individuals who might have information bearing on the subject matter of the investigation.

Attorneys and investigators on the Special Counsel's staff have carefully examined and followed up hundreds of leads, allegations and rumors. They have conducted some 700 interviews and taken more than 125 depositions. They have travelled almost 100,000 miles to interview witnesses in more than 50 cities. One hundred and eleven subpoenas have been issued: 90 to compel oral testimony, 21 to compel production of documents. The Committee compelled testimony from 12 witnesses through grants of use immunity. The Special Counsel also obtained sworn statements from 40 individuals. In addition, numerous requests were made to such agencies as the Federal Bureau of Investigation, the United States Capitol Police, the Metropolitan Police and the broadcast media for materials which were voluntarily produced. In following up on several specific allegations, investigators have reviewed hundreds of pages of financial, travel and telephone records.

While it was essential to investigate each one of the specific allegations that prompted the passage of H. Res. 518, the Special Counsel decided that the mandate of H. Res. 518 required the Committee to seek out information that might bear on the subject matter of the investigation from all available sources. As set forth in Appendix A, the Special Counsel initiated a number of separate inquires to carry out this obligation.

Lawyers and investigators interviewed more than 75 pages who had recently served in the House.

The Special Counsel sent a letter requesting any information bearing on the subject matter under investigation to each of 516 former pages who had not already been contacted in person. These individuals served in the House of Representatives from September, 1979, through August, 1982. Eighty-nine pages responded; 71 responded in writing, an additional 18 by telephone. Most said they had no information; only 11 responses contained relevant information or allegations of misconduct that required further investigation.

In addition, attempts were made to interview seventy-three former pages by telephone regarding a particular matter under investigation. Individual letters were sent to twenty-five former pages who could not be reached by telephone. The Special Counsel received responses to eleven letters. A total of fifty-nine of these former pages were interviewed regarding this matter; one was deposed.

The Special Counsel requested and obtained from the Capitol Police all documents and records for the years 1977 through 1982 that contained information bearing on the subject matter under investigation.

The Special Counsel made similar requests of the Doorkeeper of the House of Representatives, whose office is in charge of the page system, and that the Sergeant-at-Arms of the House of Representatives, who, together with the Sergeant-at-Arms of the Senate and the Architect of the Capitol, directs the Capitol Police. The Special Counsel interviewed every officer in the Doorkeeper's office who super-

vised or directed pages and obtained testimony under oath from all but two.

Lawyers and investigators interviewed current and former teachers at the Capitol Page School concerning their knowledge of the subjects under investigation. Investigators also reviewed files of individual pages at the Capitol Page School and interviewed teachers from other educational institutions who had had contact with pages in seminars and special classes.

Committee investigators also interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious problems with pages who had been their tenants. One, however, complained about excessive drinking and loud, boisterous parties.

The Special Counsel's office examined a comprehensive compilation of press reports on the subject matter of H. Res. 518 and viewed videotapes of television news reports to identify specific allegations that merited investigation.

In all, more than 150 individual allegations have been investigated.

C. RELATIONSHIP WITH THE DEPARTMENT OF JUSTICE

From June through August, 1982, the Department of Justice investigated allegations of sexual misconduct by members of Congress and their staff. On August 31, 1982, a Justice Department spokesman announced that the Department had closed that investigation because "there is insufficient evidence to warrant a federal prosecution or further investigation."

On behalf of the Committee, the Special Counsel requested that the Attorney General make available to the Committee and its Special Counsel all written materials developed by the FBI in carrying out this investigation. On September 29, 1982 the Public Integrity Section of the Justice Department transmitted to the Special Counsel 244 documents, consisting primarily of summaries of interviews carried out by FBI agents in the course of this investigation. The names of certain witnesses who had requested confidentiality were deleted. With this exception, the Justice Department informed the Special Counsel that it had provided all the evidence it had collected.

D. LIMITS ON THE INVESTIGATION

Any investigation of "improper or illegal sexual conduct" poses difficult obstacles and delicate problems. The Special Counsel's office has had to depend in large measure on interviews and depositions under oath to investigate these matters. Developing evidence depends on the willingness of individuals to come forward and to respond honestly to investigators' questions.

The investigation that has been conducted has, in the judgment of the Special Counsel, been as thorough as is reasonably possible. In an area involving such intimate conduct, such human sensitivity and so many individuals, it will never be possible to declare with certainty that every instance of what every citizen would consider "improper

sexual conduct" has been detected. But the Committee, the House and the American people can be assured that every effort was made to contach individuals who might have relevant information. Every allegation put forward has been pursued to the point where the Special Counsel concluded that there was no basis for it in fact, that no further investigation was possible, or that a formal charge was justified.

This has not been an inexpensive or pleasant task. It has taken much time, persistence, and patience on the part of Members of this Committee and attorneys and investigators in the Special Counsel's office, and the support of the bipartisan House leadership and the Committee on Standards of Official Conduct. The financial cost to the House for staff, travel, court reporters, investigators and lawyers has been substantial, as has the cost in legal fees and other expenses to witnesses interviewed, deposed and investigated, and to institutions assembling records. But the most serious costs have been to the many young Americans, a good number still teenagers, for whom this investigation has been a difficult and trying experience. To them, the Special Counsel expresses particular appreciation and understanding. Yet, it has taken this kind of inquiry to provide the American people the assurance that the House of Representatives has the institutional stamina and courage to investigate its Members, officers, and employees searchingly and thoroughly.

V. Background: The Page System of the House of Representatives, 1981–82

Because this investigation focused on pages and their relationships with Members, officers, and employees of the House, it is essential to begin with an understanding of the page system. The House has relied on teenage pages as messengers since the early 1800's, and the system has survived many debates about its desirability, including the most rcent review that the Speaker's Commission on Pages conducted in 1982. The key features of the page system as it existed in 1981–82—the selection process, the duties of pages, and the extent to which they were supervised—are described briefly below.

A. Selection process and qualifications

During 1981–82, the House maintained 71 positions for pages. Most page appointments run for six months or a year, although some appointments—typically in the summer—are for periods of two months or less.

Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees from the candidates nominated. Pages are required to be high school juniors or seniors, at the time of appointments, and at least 16 but not more than 18 years of age. The Republican Personnel Committee requires that pages have had at least a "B" scholastic average in their home town high school; the Democratic Committee requires at least a "C" average.

Any Democratic Member of Congress may submit a recommendation to the Committee on Democratic Personnel requesting that an individual be appointed as a Democratic page. Typically, these recommenda-

tions provide the Committee with some information about the candidate, but the Committee has no application form and requires no specific information other than a birth certificate. The nominations are not considered on any particular date. The Committee staff accumulates nominations until approximately ten are pending. These nominations, ranked according to the seniority of the Member making the nomination, are then submitted to the Committee Chairman, who makes the selections. The Committee conducts no independent check of a page's qualifications. The sponsoring Member is responsible for screening applicants and establishing that they meet the age, school year, and academic criteria.

The Committee on Republican Personnel has a printed application form, which requires a school transcript, an essay on why the applicant wants to be a page, a statement of extracurricular activities, and letters of recommendation. The Committee also requests that the Member return the application materials by April 1 of each year. Information on each candidate is summarized by the Committee's staff, and page selection is made by the Committee vote. In selecting pages, the Committee gives preference to Members who have not previously sponsored a page.

Neither Committee has established a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

B. DUTIES OF HOUSE PAGES

Pages do not work for the individual Members of Congress who sponsor them. They receive direction from the staff of the Doorkeeper of the House, and work out of a central location just off the House floor.

Pages never become involved in the substantive give-and-take of the legislative process. Their duties are exclusively those of clerical workers and messengers. They are generally assigned to the House floor, to the Democratic or Republican Cloakroom, or to positions as "running" pages. A page assigned to the House floor carries messages to and from Members and assists in assembling and distributing legislative materials on the floor. A page assigned to the Democratic or Republican Cloakroom answers telephones, carries messages to Members, and perform chores requested by Members while they are in the Cloakroom. "Running" pages deliver materials to congressional offices and to Members on the floor. Several pages serve as documentarians, processing House documents and operating the system of bells that call Members for votes. One is assigned as the Speaker's page.

The daily schedule of all the pages, regardless of their assignment, is demanding. All are required to attend the Capitol Page School. Those enrolled for credit must maintain a "C" average; the rest are required to bring assignments from their home school and observe supervised study hours. Classes at the Capitol Page School begin at 6:10 a.m. and, on days when the House convenes at noon, typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5:00 p.m. or until the House adjourns for the day, whichever is later.

C. SUPERVISION OF PAGES

1. Working hours

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. The four to six pages working in the Democratic Cloakroom and the similar number working in the Republican Cloakroom report to the respective Managers of the Cloakrooms. The Democratic and Republican floor pages report, respectively, to the Majority and Minority Chief Pages, who are adult supervisors employed by the Doorkeeper of the House. The "running" pages, who are also supervised by the Majority and Minority Chief Pages, have intermediate supervisors drawn from the ranks of the pages themselves. These page "overseers" answer the telephones to receive requests for messenger service and then make assignments to "running" pages.

While the Doorkeeper of the House has overall responsibility for the pages, the Deputy Doorkeeper exercises disciplinary authority and receives reports from the two Cloakroom Managers and two Chief Pages.

2. Nonworking hours

Until 1983, no one had responsibility for supervision of pages' activities outside of working hours. In fact, the Handbook issued by the Doorkeeper specifically asserted that it was a condition of appointment that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

No individual in the Doorkeeper's office was formally responsible for counseling pages on problems outside of work or for seeing that they stay out of trouble. Some individuals in the Doorkeeper's office showed a good deal of concern for the pages' well-being, especially when it became apparent that a page was in some kind of difficulty.

The salary of teenage House pages—approximately $700 every month—represents far more money than most of them have previously had to manage.

Until 1983 pages were responsible for finding their own housing. In 1981–82, pages generally resided in groups ranging from two to six in apartments located at various places on Capitol Hill, or in housing obtained through a university housing service. Apartments are frequently passed on from one page to another. Pages living in apartments had, in general, no adult supervision and no one easily available in the event of trouble.

In 1981–82, approximately 25 female pages lived in Thompson-Markward Hall, referred to by the pages as the "Y" because it is a dormitory-like facility with relatively strict curfew and other rules. The Page House Alumni Association, a non-profit organization created through the efforts of an employee of the Doorkeeper's office, provided dormity-style housing for about ten male pages until August of last year.

Committee investigators interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious alcohol, drug or other problems with pages who had been their tenants. One, however, complained about excessive drinking and loud and boisterous parties.

The lack of effective supervision of pages after working hours has been sharply criticized for many years. Members of Congress have frequently called attention to the problem. In 1969, for example, Representative Mark Andrews of North Dakota noted:

> It is unconscionable for Congress to bring these boys to the Washington metropolitan area and put them in some catch-as-catch-can accommodations where they lack supervision and decent quarters. If we are going to have high school boys working for the Congress they should have adequate quarters and proper supervision.

Hearings before the Legislative Branch Subcommittee of the Committee on Appropriations, 91st Cong., 1st Sess. 497 (1969).

In 1970, Representative Edith Green of Oregon stated:

> [I]t is inconceivable to me that this situation has been allowed to continue. . . . We bring youngsters—often times from rural areas—turn them loose in a metropolitan area with more money than they have ever before had in their pockets and with absolutely no supervision in off hours. . . . [I]t is incumbent upon us to provide these facilities in terms of housing and also in terms of classrooms. They find their own rooms in rooming houses or in tourist homes. I repeat—they have no supervision at all in their spare time. There is absolutely no one who is looking after their nutrition, their meals.

116 Cong. Rec. 32278 (1970).

Testifying this past summer before the House Subcommittee on Legislative Branch Appropriations, the Doorkeeper of the House James Molloy stated:

> They [the pages] are wards of the Congress. Once we bring them here, we have to assume some responsibility. We have already had some incidents. . . . It does present a very serious problem.

Hearings on Legislative Branch Appropriations before Subcommittee of Legislative Branch Appropriations of the House Committee on Appropriations, 97th Cong., 2nd Sess., pt. 2 at 49 (1982).

Because of concern over the absence of effective supervision, Congress has on a number of occasions considered discontinuing the use of high school age pages.

3. Page dormitory

Over the past 40 years the House has on a number of occasions considered establishing a page dormitory to improve its ability to supervise pages.

In 1943, legislation was introduced in the House, but not passed, calling for construction and maintenance of official accommodations for the pages. In 1970, Congress authorized the acquisition of property for the purpose of constructing a building containing dormitory and classroom facilities for the pages.[5] A site was subsequently purchased for the facility, but funds to construct it were not appropriated.

4. Developments since 1981–82

Last year, in the wake of the highly publicized charges of misconduct, the House of Representatives took several major steps to improve its page program. Acting on the recommendations of the Speaker's Commission on Pages, House Speaker Thomas P. O'Neill, in his capacity as Chairman of the House Office Building Commission, authorized the renovation of two floors of House Annex No. 1 for use as a dormitory for congressional pages. Staff of Speaker's Commission on Pages, 97th Cong., 2d Sess., Report to the Speaker 10 (Comm. Print 1982); Letter from the Speaker to the Architect of the Capitol (Sept. 30, 1982). On November 30, 1982 the House voted to establish the House of Representatives Page Board to supervise all aspects of the page program. H.R. Res. 611, 97th Cong., 2d. Sess. (adopted by the full Congress in P.L. 97–377 and codified at 2 U.S.C. 88b–2 through 88b–4).

The Page Board has changed the age requirement for pages. limiting appointments to juniors in high school. House of Representatives Page Board, 98th Cong., 1st Sess., Interim Report to the Speaker 8 (Comm. Print 1983). All pages are required to live in the residence hall, except those who certify that they live with their parents or other responsible guardian in the Washington metropolitan area. The Page Residence Hall is staffed by a Director and five resident assistants. Id. at 7. Pages residing in the dormitory are subject to a 10:00 P.M. curfew through Thursday nights and a midnight curfew Friday and Saturday nights. Their behavior is governed by a code of conduct approved by the Page Board.

Since the opening of the page dormitory, every resident page's parent or guardian is required to cosign, wtih the page, a page Residence Hall Agreement. In this document the page and his or her parents agree to be bound by the Page Code of Conduct and other pertinent regulations, and agree that the page will not use the residence hall for any disorderly or unlawful purpose. Id. at Appendix F. The general statement in which parents assumed full responsibility for the safety and well-being of their chidren is no longer required.

VI. Relevant Standards of Conduct

A. Responsibility of the House

Plainly the House of Representatives has a special responsibility for the teenage pages it employs. Although the House only recently opened a dormitory for pages, the House has long recognized that its responsibility for these teenagers extended beyond working hours. Indeed, concern about the unavoidable responsibility which the House

[5] 40 U.S.C. § 184a.

accepts when it employs 16 and 17-year-old pages has periodically sparked debate whether the House should raise the minimum age for pages and ultimately led to the decision to establish a supervised dormitory for pages.

On three separate occasions during the last twenty years, the House has undertaken extensive consideration of the page system. In 1964 Representative Edith Green's Select Committee on the Welfare and Education of Congressional Pages examined in detail the condition of congressional pages, and found that "many of the problems of the [page] school . . . stemmed from the fact that the students . . . are unsupervised for lengthy periods of time. . . ." H.R. Rep. No. 1945, 88th Cong., 2d Sess. (1965), p. 8. The Committee recommended among other things that the House either construct a page school and dormitory to address the situation, or raise the age of pages. Id. at pp. 6–10. In 1976, the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor conducted thorough hearings on the quality of education provided to pages at the Capital Page School. Hearings before the Subcommittee on Elementary, Secondary, and Vocational Education of the House Committee on Education and Labor, 94th Cong., 2d Sess. (1976). In 1982, the Speaker's Commission on Pages reviewed the entire page system thoroughly and was instrumental in winning House approval for the construction of a page dormitory and the creation of a Capitol Page Board. Staff of Speaker's Commission on Pages, 97th Cong., 2d Sess., Report to the Speaker (Comm. Print 1982).

Throughout, Members of the House have made clear their views of the House's responsibilities. During the 1970 debate on authorizing construction of a page dormitory, Representative Charles Bennett said:

> The idea of bringing young people here as pages is a good one. It has been inspiring to them and it has been helpful to the country. But we cannot escape the responsibility that comes with that.

116 Cong. Rec. 32277 (1970).

In that same debate, Representative Shirley Chisholm underscored the point:

> . . . we as Members of Congress must share a tremendous responsibility when their parents send them here to become pages in this House . . . we must assume the responsibility and know that we have the authorization and the money which is necessary to build a dormitory in order that these young men [and women] can have the supervision so very necessary and so vital to their general welfare.

116 Cong. Rec. 32233 (1970).

Similarly, in urging the House to establish a Capitol Page Board in 1982, Representative Frank Annunzio said:

> So long as this body employs the youth of adolescent years, we have a responsibility to provide them with the basic protections we would expect for our own children should they be similarly employed away from their homes. . . . this Capitol Board . . . will have the jurisdiction not only of building the

> dormitory to insure proper supervision and proper housing but, also to carry out the responsibility of the Congress to young people who are 14 to 18 years of age.

128 Cong. Rec. H3985 (daily ed. July 12, 1982).

Majority Leader Jim Wright expressed similar sentiments in 1982 in urging his colleagues to fund a dormitory for the pages:

> The present situation is intolerable. It is absolutely impossible under the present circumstances to guarantee wholesome supervision or even personal safety to these fine young people whom we invite to Washington as the guests and employees of the Congress. The responsibility quite clearly is our own. Our failure to act is inexclusable. To tolerate the present situation one hour longer than necessary would border on criminal negligence.

128 Cong. Rec. H4004 (daily ed., July 12, 1982).

During the hearings held by the Speaker's Commission on Pages, the Commission heard from Representative John Dingell, a former page, now Chairman of the House Committee on Energy and Commerce. Mr. Dingell noted that the pages are "youngsters, [who are] entrusted to us by their loving families." Hearings before the Speaker's Commission on Pages, 97th Congress, 2d Session at 44 (1982). Representative Dingell also testified:

> I commented with regard to the quality of the supervision of the page force. I would like to observe to you, Mr. Chairman, that as a former page, I looked up to the supervisors that we had with the greatest of respect. I believe that situation exists today, and I know that in many instances, particularly on our own side of the aisle, that the kids look up to their supervisors with genuine respect and with genuine affection, and they hold their supervisors in high regard—one might say almost awe. (Id., p. 35)

In summary, the House of Representatives as a body takes responsibility for conducting a page program utilizing teenagers who are generally either 16 or 17 years-of-age. (The Senate pages are 14 through 17 years of age.) These teenagers are drawn to Washington by the existence of the page program. They are entrusted to the House as an institution for particular periods of time by their parents. The House sets the standards for their employment. The House supervises their appointment. The House takes responsibility for providing their education while they are in Washington and for overseeing the quality of that education. The House takes responsibility, through its elected officer, the Doorkeeper, for supervision of the pages while they are on duty. And, most recently with the opening of the residence hall, the House has acted in keeping with its obligations to provide for them during non-working hours, and to supervise their conduct during non-working hours.

In short, there can be little doubt that the pages are in fact the "wards" of the House, as the Doorkeeper has testified. Members, officers of the House, and those House employees who directly supervise pages have a special relationship to House pages, in effect standing in loco

parentis to them. As Representative Frank Annunzio stated, "so long as this body employs the youth of adolescent years, we have a responsibility to provide them with the basic protections we would expect for our own children should they be similarly employed away from their own homes." Under these circumstances, the American people have the right to expect the highest standards of conduct of these individuals with respect to pages.[6]

B. IMPROPER SEXUAL CONDUCT

Given the special relationship between pages and the House, the Special Counsel believes that only one standard of conduct can be considered appropriate: no sexual relationship between a page and a Member, an officer of the House, or an employee of the House who supervises pages can be regarded as acceptable behavior. Pages are 16 or 17-year-old juniors or seniors in high school. For most pages, it is their first time away from home and away from their parents. They have chosen to serve as a page because they are interested in the American system of government. Almost inevitably they will be fascinated by people who hold high positions in that system. In Representative Dingell's words, pages "hold their supervisors in high regard—one might say almost awe." That statement can only apply with greater force to Members of the House themselves. Members are the center of the universe for teenage pages.

The pages of the House serve the 435 men and women who represent the people of their congressional districts. Members of the House write laws that set standards for the American people. The parents who send their 16- and 17-year-old children to serve as pages have a right to expect that Members of the House will treat their children with respect, and honor the custodial trust into which they have committed their offspring. To say that the pages are wards of the House, and that the House has special responsibilities to them and stands as an institution in effect in loco parentis to them, is hollow rhetoric, unless those who are the House as an institution—the 435 Members elected to constitute the House—give meaning to the high trust they assume toward their teenage wards. Certainly, parents of teenage pages have a right to assume that Members of the House of Representatives will not have sexual relations with their children.

The laws of many states recognize the special responsibility of anyone in such a position to avoid sexual relationships with those under their care, custody, or supervision. For example, the District of Columbia prohibits sexual intercourse between a "superintendent," a "tutor," or a "teacher," and his female pupil under the age of 21, five years beyond the general age of consent which is 16 in the District of Columbia. D.C. Code Ann. § 22–3002 (1981). In 1981 and 1982 the Commonwealth of Virginia revised its laws in this area. Virginia makes it a criminal offense for anyone who "maintains a custodal or supervisory relationship over a child under the age of eighteen, who is the parent, stepparent or stands in loco parentis with respect to such child and is not

[6] Other empployees of the House may occupy sufficiently high positions or have sufficient responsibility with respect to pages that they too should be held to have such a special relationship. The cases involved in the present investigation do not require the Special Counsel or the Committee to reach the question of precisely how far the relationship extends.

legally married to such child" to "propose that any such child feel or fondle the sexual genital parts of such person, or . . . propose to such child the performance of an act of sexual intercourse. . . ." Thus, Virginia extends protection to teenagers in such circumstances two years beyond the general age of consent, which in that state is also 16. Va. Code Ann. § 18.2–370.1 (1982). Virginia's child abuse statute defines an "abused or neglected child" entitled to protection against abuses that include sexual acts by parents or other responsible persons, inter alia, as "any child less than 18 years of age . . ." Va. Code Ann. § 63.1–248.2 (Supp. 1983). These statutes recognize that in certain relationships two parties to a sexual relationship are not equal and that these situations are inherently subject to exploitation.

The nature of the relationship between the House of Representatives and the pages it employs compels the conclusion that any sexual relationship between teenage pages and Members, officers of the House, or those employees who supervise pages, or any sexual advance by any such individuals to a House page, constitutes improper sexual conduct under H. Res. 518.

No explicit showing of preferential treatment, coercion, or harassment is required under this standard. In this connection, it is worthwhile to note that H. Res. 518 specifically distinguished between "(1) alleged improper or illegal sexual conduct" and "(3) the offering of preferential treatment . . . in exchange for [sexual favors]." 128 Cong. Rec. H4032 (daily ed. July 13, 1982).

Under these circumstances, Members, officers of the House and page supervisors violate the official obligations of their office if they enter into a sexual relationship—no matter how consensual and whether heterosexual or homosexual—with any page, or if they make sexual advances to a page. Such conduct constitutes exactly the type of "improper" sexual conduct to which H. Res. 518 and H. Res. 12 were directed. Certainly such conduct does not "reflect creditably on the House of Representatives," and therefore constitutes a violation of Rule 1 of the Code of Official Conduct.

This Committee has recognized in the past its duty to give specific content to the general standards contained in the House Rules and in the Code of Ethics.

> The Committee is cognizant of the fact that these traditional standards of conduct as expressed in the Code of Ethics for Government Service, and as revealed in House precedents, are not delineated with any great exactitude and may therefore prove difficult in enforcement. The Committee is likewise aware that because of the generality of these standards their violation is easily alleged, and that this may be subject to some abuse. However, the Committee believes it was for the very purpose of evaluating particular situations against existing standards, and of weeding out baseless charges from legitimate ones, that this Committee was created. As was stated in House Report No. 1176, 90th Cong. 2d Sess. (March 14, 1968) in recommending the creation of this Committee as a standing committee of the House:
>
> "Some instrumentality, preferably the continuing committee, must necessarily serve as the determinant of the subjective terms necessary in spelling out the Code of Official Con-

> duct. An essential difference between a statute and a standard is that the former usually is capable of precise definition and therefore may be objectively tested, whereas the latter can only be stated in subjective language and must rely on the facts as determined in each situation. If it should be necessary to measure an allegation against a standard, that measurement will be as meaningful as the depth to which the measuring body drws out the facts and nuances. Clearly this can be done better by a body smaller and more flexible than the entire House, and one that is more acquainted with the history and development of the standards and enforcement procedures, than special committees created to deal only with individual cases as they arise." (at p. 13).

H.R. Rep. No. 1364, 94th Cong., 2d Sess. 8–9 (1976).

C. CONDUCT IN A PRIOR CONGRESS

It is well-settled that the House may discipline a Member for conduct which occurred during a prior Congress, at least where the disciplinary action taken is short of expulsion.

This question was fully briefed and decided most recently In the Matter of Representative Charles C. Diggs, Jr., H.R. Rep. No. 351, 96th Cong., 1st Sess. 1979. Mr. Diggs was censured in 1979 by the 96th Congress, for misuse of clerk-hire funds from 1973 to 1977, during the 93rd, 94th and 95th Congresses. 125 Cong. Rec. H6900–H6906 (daily ed. July 31, 1979).

Following service of the Statement of Alleged Violation, Mr. Diggs filed a motion with this Committee "to terminate the proceedings for lack of jurisdiction." H.R. Rep. No. 351 at 41. The memorandum in support of the motion argued that "the House may not punish Congressman Diggs for conduct occurring prior to his election to the current Congress." Id. at 42. Mr. Diggs noted that, at the time of his most recent re-election, his constitutents were aware that he had been convicted of the criminal activity charged by the Committee in its Statement of Alleged Violation. He argued that the judgment of his constitutents in re-electing him should supercede any disciplinary action by the House, citing a number of eighteenth, nineteenth and early twentieth century cases in which the House had considered but failed to agree to expulsion of Members for conduct occurring in earlier Congresses.

The Committee unanimously rejected Mr. Diggs' motion and concluded in its Report:

> . . . that the House had jurisdiction under Article I, Section 5, to inquire into the misconduct of a Member occurring prior to his last election, and under appropriate circumstances, to impose at least those disciplinary sanctions that fall short of expulsion. Id. at 3.

The Committee recommended, and the House voted the censure of Representative Diggs. Id. at 20; 125 H6906. The Committee did not express an opinion as to whether the House has the power to expel a Member for conduct which occurred in a prior Congress.

Additional cases in which the House has imposed sanctions (all short of expulsion) on Members for offenses which occurred in earlier Congresses included the following:

Charles H. Wilson: Censure was imposed in 1980 by the 96th Congress for accepting benefits which might be construed as affecting his official duties, for accepting a gift from a person having a direct interest in legislation before the Congress and for converting campaign funds to his personal use and failing to keep his campaign funds separate from his personal funds. These acts occurred in 1971 and 1972, during the 92nd Congress. H. Rep. No. 930, 96th Cong., 2d Sess. (1980); 126 Cong. Rec. H4691–H4708, (daily ed. June 10, 1980); 28 Cong. Rec. H6127–H6129 (daily ed. July 2, 1980).

Edward R. Roybal: Reprimand was imposed in 1978 by the 95th Congress for failing to report a campaign contribution, for converting a campaign contribution to his personal use and failing to keep his campaign funds separate from his personal funds, and for giving false testimony before the Committee on Standards of Official Conduct. Some of these acts occurred in 1974, during the 93rd Congress. H. Rep. No. 1743, 95th Cong., 2d Sess. (1978); 124 Cong. Rec. 37009–37017 (1978).

John J. McFall: Reprimand was imposed in 1978 by the 95th Congress for failing to report a campaign contribution in 1974, during the 93rd Congress. H. Rep. No. 1742, 95th Cong., 2d Sess. (1978); 124 Cong. Rec. 37005–37009 (1978).

Robert L. F. Sikes: Reprimand was imposed in 1976 by the 94th Congress for failing to report ownership of certain stock from 1968 through 1973, during the 90th through the 93rd Congresses, and for purchase of certain stock in a bank, following active efforts by Sikes in his official capacity to obtain benefits from the bank, in 1973 during the 93rd Congress. H. Rep No. 1364, 94th Cong., 2d Sess. (1978); 122 Cong. Rec. 24379 (1978)

D. LAPSE OF TIME SINCE THE CONDUCT OCCURRED

The Special Counsel recognizes that the conduct involved in the present cases occurred three years ago in two instances and ten years ago in the third case. But lapse of time in the circumstances of these cases is not a reason for ignoring evidence that violations occurred. Lapse of time, along with other circumstances of the violation, may be relevant to consideration of the sanction, but not to whether a violation occurred.

The issue of lapse of time was raised before the Committee In the Matter of Charles H. Wilson. H.R. Rep. 930, 96th Cong., 2d Sess. (1980). Mr. Wilson was disciplined in 1980, by the 96th Congress, for conduct which occurred eight and nine years earlier, in 1971 and 1972, during the 92d Congress.

Mr. Wilson moved to dismiss the Statement of Alleged Violation for lack of jurisdiction. He argued in his motion that the conduct should not be pursued by the Committee on a number of grounds, including the five year statute of limitations established by the United States Code for non-capital offenses, the doctrine of laches, and fundamental fairness. Id. at 23. Counsel for the Committee responded that neither the statute of limitations nor the principle of laches is

applicable to congressional disciplinary proceedings, that in any event the requirements of laches were not met in the case, and that the Committee had adopted a balancing test approach which took into consideration the passage of time since the misconduct in question and insured fundamental fairness. Id. at 42–48.

The Committee rejected Mr. Wilson's motion to dismiss. Id. at 121–124.

During floor debates on the censure of Mr. Wilson, the issue of the lapse of time since the misconduct was raised by several speakers. The House nevertheless adopted the resolution of censure by a voice vote. 126 Cong. Rec. H4691–H4708 (daily ed. June 10, 1980).

Lapse of time was also an issue in the disciplinary proceeding against Representative Robert L. F. Sikes during the 94th Congress, in 1976. In the Sikes case, the Committee took action for conduct that occurred between three and eight years prior to the Committee's action. H.R. Rep. No. 1364, 94th Cong., 2d Sess. (1976); 124 Cong. Rec. 24379–87 (1976).[7]

VII. Results of Investigation

This section discusses, first, origins of the page scandal. The second part of this section summarizes the overall findings of this investigation. The third section describes the three cases in which the Special Counsel has found evidence of sexual misconduct and sets out his recommendation in those cases.

Finally, the fourth part of this section reviews numerous other allegations of sexual misconduct investigated by the Special Counsel and sets out his findings and conclusions concerning them.

A. THE ORIGIN OF THE ALLEGATIONS AND THE ORIGINAL WILLIAMS AND OPP CHARGES

The Special Counsel found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, overactive teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

The full findings and conclusions of the Special Counsel concerning (1) the origin of the allegations, (2) the falsity of the allegations made by Leroy Williams and Jeffrey Opp, and (3) the information

[7] In the Sikes case the House did not take action with respect to certain misconduct, in part because the activity occurred 15 years before. Among the charges against Sikes which were considered in 1976 was the allegation that in 1961 he had sponsored legislation "which created an obvious and significant conflict of interest." H.R. Rep. No. 1364, 94th Cong., 2d Sess. 4. The Committee on Standards of Official Conduct expressed its concern about the conflict but recommended no action with regard to it. The Committee's Report stated:

> If such activity had occurred within a relatively recent time frame and had just now become a matter of public knowledge, the recommendation of some form of punishment would be a matter of public knowledge, the recommendation of some form of punishment would be a matter for consideration by the Committee. However, the fact is we are confronted with events that occurred approximately 15 years ago and at least to some extent appear to have been known to Representative Sikes' constituency which has continually re-elected him to Congress. For these reasons the Committee declines to make a recommendation now of formal punishment. Id. at 4–5.

developed by the U.S. Capitol Police investigation into allegations of misconduct involving pages are set out in full in the Interim Report of the Special Counsel filed with this Committee on December 14, 1982, and attached as Appendix A to this Report.

B. OVERALL FINDINGS OF THE INVESTIGATION

The investigation conducted by the Special Counsel has extended beyond the original charges of sexual misconduct made by the two former pages which led the House to initiate the investigation. Pursuant to H. Res. 518, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives during the past three years. The Special Counsel also investigated allegations that he has received of sexual misconduct involving pages, whatever the time frame. Thousands of hours of investigators and lawyers have been devoted to tracking down rumors and allegations of sexual misconduct involving congressional pages.

For the overwhelming majority of pages their experience in the House of Representatives ranks as one of the most important and rewarding of their lives. The Special Counsel can report to this Committee, to the House, and to the Nation that he has found no evidence whatsoever of widespread improper or illegal sexual conduct by Members, officers, or employees of the House involving congressional pages. The evidence developed in the course of this investigation has shown time and again that allegations and rumors of misconduct were the product of teenage exaggeration, gossip or even out-and-out fabrication that was often repeated mercilessly in a political capital that thrives on rumor.

Three central findings dominate the exhaustive investigation carried out by the Special Counsel.

First, the Special Counsel received no credible evidence of sexual misconduct by Members, officers or employees of the House of Representatives involving congressional pages during the 1981–82 time period involved in the original charges that prompted this investigation.

Second, as detailed in the Special Counsel's Interim Report of last December, the evidence obtained showed there was no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages, Leroy Williams and Jeffrey Opp, whose sensational charges received such publicity a year ago.

With the exception of three cases, the investigation uncovered no evidence at all to support the dozens of allegations that the Committee received concerning improper sexual conduct involving congressional pages or preferential treatment of congressional pages in exchange for sexual favors. To the contrary, in all but three cases, the evidence showed conclusively that these allegations were not true or that there was no credible basis for the allegations.

C. EVIDENCE AND RECOMMENDATIONS REGARDING THREE CASES OF SEXUAL MISCONDUCT

1. Representative Daniel B. Crane

a. Investigation and findings

The Special Counsel first learned of the allegation that Representative Daniel Crane had a sexual relationship with a female page [8] in the course of a deposition of another page concerning an unrelated matter.

In that deposition, this page was asked if she was aware of any Member or employee of the House who had a sexual relationship with a page. The page responded that another female page, whom she identified, told her that she had dated Representative Daniel Crane and had sexual relations with him.

Subsequent depositions of the named page, Representative Crane and Clifford Downen, Representative Crane's roommate and administrative assistant, established that the female page visited Representative Crane's apartment at his invitation on approximately three to five occasions in May and June 1980, and that Representative Crane, knowing she was a page, had sexual relations with her on each of those occasions.

During the time of their sexual relationship, the page was 17 years old; Representative Crane was 44 years old.

i. Testimony of the page.—An investigator of the Special Counsel's office interviewed the female page in question in late 1982. She had been a House page from June 1979 through June 1980.

During this first interview, the page initially denied having knowledge of any sexual relationships between pages and Members, officers, or employees of the House. The investigator then informed the page that the Committee had received sworn testimony that she had told another page that she had a sexual relationship with a Member of Congress. The page appeared shocked and was reluctant to discuss the matter further. The investigator asked if the page would discuss the matter if the investigator could name the correct congressman. The page agreed. When the investigator named Representative Daniel Crane, the page stated that she had engaged in sexual relations with him. The page stated that she had found the Congressman, as an older man, very attractive, and that perhaps she was more responsible for the sexual relationship than he was. She did not blame Representative Crane.

At her deposition, the page testified under oath that she met Representative Crane through a male page she was dating. She testified that in the winter of 1980, she made a friendly wager for a six-pack of beer with Representative Crane on the outcome of a basketball game

[8] In each of three cases, the Special Counsel recommends that the Committee keep the names of the former pages involved confidential as long as possible. There is substantial precedent for the withholding of information on the activities and identities of minors. In both the District of Columbia and the Commonwealth of Virginia, for example, government files relating to investigations of child delinquency, abuse and neglect are kept confidential. D.C. Code Ann. § 6–2126, §§ 16–2331 to 16-2333 (1981); Va. Code Ann. §§ 63.1–248.8, 16.1–300 to 16.1–307 (1982). Proceedings in the special courts handling cases of juvenile delinquency and neglect are usually closed to the public. D.C. Code Ann. § 16–2344 (1981); Va. Code Ann. §§ 16.1–302, 16.1–303 (1982). In both the District and Virginia information concerning children up to the age of eighteen is protected unless they are charged with particularly serious crimes. D.C. Code Ann. § 16–2301(3) (1981); Va. Code Ann. § 63.1–228.2(A) (1980).

to be played by the page's hometown team. The page lost the wager. Sometime in the spring, she went to Representative Crane's office in the Cannon building, around 8 p.m., carrying a six-pack of Heineken beer to pay off the wager.

The page testified that Representative Crane asked if she wanted some beer. When she replied that she did not like beer, Representative Crane invited her out for a drink. They went to a bar in Virginia, but because the page was under the legal drinking age, she could not be served a drink. According to the page's testimony, they then decided to have a drink in Representative Crane's apartment.

Q. Can you tell us what happened after you got to the apartment?

A. Well, he drank beer, and we had a discussion.

Q. Can you tell us what that was about?

A. Just about whether we were going to finish up or he was going to take me home then.

Q. OK.

A. But I wouldn't have gone that far if I didn't already want to or have in my mind that I was going to do something like that.

Q. When you say "whether you were going to finish up," I take it whether you were going to go to bed with him, is that right?

A. Right.

Q. Did that subject come up prior to your getting to the apartment?

A. No.

Q. But you, just in your own mind, had thought about it before; is that what you mean?

A. Right.

Q. And what happened?

A. We went to bed.

Q. And I take it from what you are saying, that was entirely voluntary on your part?

A. Oh, yes.

Q. Did you—just to be clear—I don't want to get you embarrassed here. Did you have sexual relations with him that night?

A. Yes.

* * * * * * *

Q. Now, were there any other occasions after that when you went out with Congressman Crane?

A. Went out with? No.

Q. Were there any other occasions when you went to his apartment again?

A. Yes.

Q. Can you tell us approximately how many times you went to his apartment after that first night?

A. Three or four more times.

Q. Did you have sexual relations with him on those occasions?

A. Yes.

* * * * * * *

Q. And I believe you made some comment to [Special Counsel's investigator] to the effect that it was as much your fault as his; is that right?

A. Right. It was my decision just as much as it was his.

* * * * * * *

Generally, the page testified that she would meet Congressman Crane on the floor of the House, usually on a Thursday, and he would ask her if she wanted to get together. She would then either meet him at his office or at his parking spot, and the two of them would go to his apartment. On each of these occasions, Congressman Crane drove her back to her residence in the District of Columbia.

To verify certain details of the page's testimony, immediately after the deposition, the Special Counsel's office asked the page to identify Representative Crane's parking space, his car, and the name and location of his apartment, and to take an investigator to his apartment. The page was also asked to draw a diagram of Representative Crane's apartment. The page was given no prior warning that these requests would be made. She carried out each of these requests accurately and without hesitation.

ii. Testimony of Representative Crane.—Representative Crane voluntarily agreed to two depositions. In his second deposition, Representative Crane admitted that he had engaged in sexual relations with the female page on each of the occasions when she visited his apartment. He testified that, to his recollection, she visited his apartment "roughly . . . about three times."

iii. Statement of Representative Crane's attorney.—On June 13, 1983, the Special Counsel sent to Representative Crane's attorney a letter discussing a special procedure for Committee review of this matter. That letter is attached at Appendix E, and the relevant portion follows:

> In light of the above, it is my responsibility to recommend that the Committee take action to disapprove of Representative Crane's conduct. This matter obviously involves issues of great sensitivity for everyone, and I am particularly concerned about the page involved if there are extended public proceedings. Under the existing Committee rules, Representative Crane is entitled to receive a Statement of Alleged Violations from the Committee. Following the issuance of such a Statement, the Committee would establish a timetable for motions and briefs by counsel, and for a public hearing with testimony and cross-examination of witnesses.
>
> Procedures other than the Committee's established ones may be more appropriate to this case. Section 8 of H. Res. 518, 97th Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate." If Representative Crane does not wish to contest the factual findings of the Special Counsel and waives his right to a Statement of Alleged Violations and to a public hearing, I would be prepared to recommend that the Committee adopt the following procedure:
>
> The Committee would provide Representative Crane with his counsel the opportunity to present to the Committee, either orally or in writing, a statement or arguments concerning any legal, jurisdictional or other matters he wished to raise (including arguments in mitigation). This statement would be made before the Committee in executive session and

would be analogous to the opportunity provided in Rule 11(a)(2)(A) of the Committee's Rules to a respondent in a preliminary inquiry initiated by the Committee. The Special Counsel would then file his report and recommendations with the Committee, which will include a recommendation that his report, and the facts in this case be made public, and the Committee would then act. Under this procedure, there would be no public hearing before the Committee.

The current investigation has been conducted pursuant to House resolution. In any event, the Committee wants to assure that Representative Crane has had all rights which would have accrued to him if this investigation had been carried out as a preliminary inquiry instituted by vote of the Committee. In a preliminary inquiry, Representative Crane would have the "opportunit yto present to the Committee, orally or in writing a statement respecting the allegations" in question. Therefore, Representative Crane is invited to appear before the Committee at 9 a.m. on Wednesday, June 22, 1983. If Representative Crane agrees to the procedure set out above, the June 22 meeting will afford the opportunity to present those arguments which you wish the Committee and the Special Counsel to consider. Otherwise, the June 22 meeting will serve simply as the opportunity to make a statement analogous to the one described in Rule 11(a)(2)(A).

In the alternative set out above, I have tried to propose a procedure that is fair to your client, sensitive to the interests of the pages, consistent with maintaining the integrity of the Committee on Standards of Official Conduct and the House of Representatives, and within H. Res. 518's proviso that the Committee is authorized to adopt special rules of procedures as may be appropriate in this investigation. This letter represents my own thinking on this issue and does not constitute any prediction of what action the Committee or House may choose to take.

The attorney for Representative Crane appeared before the Committee on June 22. Mr. Crane did not appear. On behalf of his client, the attorney stated that Representative Crane did not dispute the facts and waived his right to a Statement of Alleged Violation and to a public hearing. He then argued that public disclosure and sanction were not warranted when weighed against the consensual nature of the relationship. his contention that it was a private relationship not having to do with official duties of the House of Representatives, and the impact such disclosure might have on the page involved and the family of Representative Crane. On June 28, the Special Counsel requested confirmation of Representative Crane's position in writing (Appendix E).

In subsequent letters, dated July 7, 1983, and attached at Appendix F, the attorney for Representative Crane affirmed his client's agreement with the procedure proposed by the Special Counsel in his letter of June 13, 1983, and recommended that the Committee take no action on this matter, or in the alternative, seal the names of those involved. Specifically, the attorney suggested that, rather than report this mat-

ter to the House with a recommendation, the Committee could decline to take any action with respect to the individual conduct, or report the conduct to the House, and seal the names of the individuals involved. The potential harm to his client's family, as well as the life of the young woman, were cited by the attorney as reasons why the Committee should take no action on this matter. In his letter of July 7, 1983, the attorney further argued that the conduct involved was consensual, unrelated to official duties and did not violate any Federal, State or local law, and that no preferential treatment was given.

b. Recommendations with respect to findings of violations

Based on the evidence, the Special Counsel recommends that the Committee find that Representative Crane engaged in a consensual sexual relationship with a 17-year-old female page in the Spring of 1980. Under these circumstances and the standards set forth in Section VI above, the Special Counsel recommends that the Committee find that this was improper sexual conduct under H. Res. 518 of the 97th Congress and H. Res. 12 of the 98th Congress and that this conduct violated Representative Crane's official obligation as a Member of the House of Representatives and constitutes conduct that does not "reflect creditably on the House of Representatives" in violation of clause 1 of the Code of Official Conduct of the House.

That the conduct of Representative Crane in having sexual relations with a teenage page constitutes improper sexual conduct and does not reflect creditably on the House of Representatives seems clear. More difficult is a determination of the appropriate sanction to be recommended to the Committee.

c. Possible sanctions

Section 3 of H. Res. 518 provides that the "committee . . . shall report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by the House of Representatives. . . ." Rule 17(b)(1) of the Rules of Procedure provides that the Committee may include in its recommendation to the House one or more of the following sanctions: expulsion, censure, reprimand, fine, denial or limitation of any right, power, privilege or immunity of a Member, or "any other sanction determined by the Committee to be appropriate."

The Committee rules set forth "general guidelines the Committee considers appropriate for determining which, if any, sanctions to recommend to the House. . . ." Rule 17(c)(1). Those guidelines are:

> "(2) For technical violations, the Committee may direct that the violations be reported to the House without a recommendation for a sanction.
>
> (3) With respect to the sanctions which the Committee may determine to include in a recommendation to the House respecting a violation, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and explusion of a Member . . . is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a

> Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege or immunity."

It is necessary to measure the circumstances of this case against the rules set forth above and the precedents of the House of Representatives.

i. Reprimand.—The four recent cases of reprimand, as discussed in Section VI, involved (1) failure to report ownership of stock as required by the House and conflict of interest; (2) misrepresentation in an unsworn answer to a Committee questionnaire relating to the Korean influence investigation; (3) failure to report a political contribution and (4) perjury before a congressional committee, failure to report a campaign contribution and conversion of the contribution to personal use.

ii. Censure.—One of the two recent cases of censure involved a Member, Charles H. Wilson, who received $10,500 "under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties . . . from a person . . . having a direct interest in legislation before the Congress," and who converted campaign funds to personal use. These events occurred eight and nine years before censure was voted. 126 Cong. Rec. H4691–H4708 (daily ed. June 10, 1980).

The other recent case of censure involved a Member, Charles C. Diggs, who abused his staff and his clerk hire funds—giving them pay raises and requiring them to pay certain of his personal expenses out of those raises. An effort to increase the sanction from censure to expulsion failed on the House floor by a vote of 205 to 194. 125 Cong. Rec. H6847–H6848 (daily ed. July 30, 1979). The House also required the Member to repay the House $40,031.66, for the personal benefit he received from his misconduct. 125 Cong. Rec. H6900–H6906 (daily ed. July 31, 1979).

iii. Expulsion.—The most recent case of expulsion involved a Member, Michael J. Myers, who had been convicted of conspiracy and bribery arising out of the Abscam investigation. H. Rep. No. 1387, 96th Cong., 2d Sess. (1980); 126 Cong. Rec. H10309 (daily ed. October 2, 1980).

iv. Application of sanctions.—The circumstances of the Crane case do not involve financial wrongdoing or commission of a crime. They involve sexual relations on three to five occasions during the summer of 1980 between a Member and a teenage page. There is no evidence of coercion, or the use of drugs or excessive alcohol. There is no evidence of any preferential treatment or favors bestowed on the page by the Member.

The Crane case is clearly distinguishable from the Diggs case in which censure was voted. In the Diggs case, there was an element of coercion in the sense that the employees had to turn over their raises to Diggs as part of the terms of their employment. Nor does the Crane case involve the commission of a felony, which was the basis for expulsion in the case of Representative Myers.

Thus, measured against the precedents, neither expulsion nor censure is warranted in this case. And by the terms and apparent intent of the rules, neither a fine nor a limitation on some privilege seems appropriate.

That leaves two choices: a Committee recommendation for a reprimand by the House of Representatives or a Committee report of the violation to the House without a recommendation for a sanction. From the vantage point of Representative Crane, the publication of the violation of the Standards of Conduct itself may be a more severe punishment than any action the House might take. Making his conduct public leaves it to his constituents to weigh in any future bid for reelection. But the institutional integrity of the House of Representatives requires that the House itself act.

For the Committee to determine that the Member's actions constitute merely a "technical violation" that warrants no action by the House seems inadequate. The sexual relationship may have been consensual, but there is a difference between a 17-year-old page away from home and a 44-year-old Member of the House of Representatives in terms of responsibility, maturity, judgment and fiduciary obligation. The House has always regarded pages as its wards and has always accepted a special responsibility to them.

It is true that the sexual mores of the United States have changed dramatically over the past two decades. Laws prohibiting adultery, fornication and homosexual relationships are either being repealed or ignored. There is increasing recognition of the frailty of human nature. The age of consent for sexual acts is being lowered to 16 in most jurisdictions. But, as the Virginia and District of Columbia statutes indicate, in situations where adults have special relationships to young teenagers and where child abuse, seduction or sexual relations are involved, the protected age is raised by law to 18 or, in the District of Columbia, to 21. In Illinois, sexual intercourse with a female under 16 is a felony; sexual intercourse with a 16 or 17-year-old is a misdemeanor. These laws do not render Representative Crane's actions a crime. They do provide a sense of community standards relevant to the appropriate sanction in this case.

For the House, the issue is not whether a Member of Congress is free, in the privacy of his personal life, to have sexual relations with a 16 or 17 year old who has reached the age of consent and who is not a House page. For the House, the issue is whether the House of Representatives has a duty to take some official action to express its disapproval of the conduct of a Member who has sexual relations with a teenage page, away from home, dependent on the House for secondary schooling and financial support, to whom the House and its Members have repeatedly recognized a special responsibility. The Special Counsel believes that the House does have such a duty to the American people who have a right to expect the highest standards from the House as an institution and from its individual Members.

d. Recommendation of sanction

As Special Counsel, it is therefore my responsibility to recommend that the Committee recommend to the House a reprimand of Representative Crane for conduct—namely having sexual relations with a teenage page, whom he knew to be a page, during the summer of 1980—that does not "reflect creditably on the House of Representatives" in violation of Clause 1 of the Code of Official Conduct of the House. Following past precedents, the reprimand would take the form of a House Resolution adopting a Committee Report.

2. Congressman Gerry E. Studds

a. Investigation and findings

The Special Counsel received several allegations of improper sexual conduct under House Resolution 518, 97th Cong., 2d Session, concerning Representative Studds. These allegations as to events which occurred prior to the 1981–82 time period, which was the primary focus of the Special Counsel's inquiry, began to be received by the Special Counsel soon after the investigation started in July, 1982. Two of these allegations had appeared in a book, with the Congressman's identity concealed. The book itself was the subject of newspaper and television news reports in the summer of 1982. Other allegations were made directly to a member of the Committee and the Special Counsel's staff.

The Special Counsel's staff interviewed and deposed many individual's including former pages, in the investigation of these allegations.

One former page testified under oath that he had heard a rumor that Representative Studds had travelled overseas with a congressional page. He could not recall the name of the page who allegedly made the trip. In another deposition, another former page provided the name of the page rumored to have travelled overseas with Representative Studds.

In his deposition, the male page who had allegedly travelled to Europe with Representative Studds, testified that he had visited Representative Studds' apartment at the Congressman's invitation on at least three or four occasions in 1973 and that Representative Studds and the page had engaged in sexual activity on each of those occasions. The page testified that in late July, 1973, Representative Studds invited him to travel abroad during the August recess. The page agreed, and the two took a two and a half week trip together abroad. According to the page's testimony, they engaged in sexual activity every two or three days during this trip.

The page was 17 years old during the time he testified that he had a sexual relationship with Representative Studds; the relationship may have begun when the page was 16, since the page was born in the spring of 1956. At that time, Representative Studds was 36 years old.

Two other former pages, both male, have stated under oath that Representative Studds made sexual advances to them in 1973 while they were serving as House pages. One was 16 or 17 years old at the time of the alleged incident; the other was 17.

The Special Counsel and the Committee offered Representative Studds an opportunity to be deposed in connection with this investigation. The Special Counsel's letter is attached as Appendix G. For the reasons stated in the letter of his attorney, also attached at Appendix G, he declined. Representative Studds did cooperate with the Special Counsel, making his staff available for interviews and depositions, and his records available for review. At the Committee's invitation, Representatives Studds and his attorneys appeared and made statements before the Committee.

i. Evidence concerning Representative Studds' 1973 sexual relationship with a page.—The Special Counsel's staff interviewed the former page who had travelled with Representative Studds twice before his deposition. At each interview the page admitted travelling

to Europe with Representative Studds, but he denied that he had been sexually propositioned by the Member, and he denied that there had been a sexual relationship between them. Then, just prior to his deposition, the page took aside a member of the Special Counsel's staff and told him that he had not been telling the truth. He stated then, and testified under oath in his deposition, that he had a sexual relationship with Representative Studds while serving as a House page during the spring and summer of 1973.

This individual had been a congressional page in the House during the Spring and Summer of 1973.[9] He was sixteen when he was appointed as a page.

The page testified that another page introduced him to Representative Studds and a group of other congressmen at a restaurant in May or June, 1973. According to the page's testimony under oath, sometime after this introduction, Representative Studds invited the page to the Representative's house in Georgetown for dinner:

Q. After you met Congressman Studds, did you and he get together again shortly after that?

A. Yes. Shortly thereafter—I am not sure how long, how long it was—but I was invited to go out to dinner with him and I did. The dinner took place at his apartment in Georgetown. Would you wish a follow-up question?

Q. The follow-up question would be what happened at that dinner?

A. Well, we sat around and talked about abstract and general questions, all types and descriptions, until four in the morning, drinking vodka and cranberry juice, at which time I was told by the Congressman that he was too drunk to give me a ride home and so he said, "Why don't you sleep here?" and I did.

At that point, according to the page's testimony, the Congressman engaged the page in sexual activity.

The page testified that the sexual relationship continued after that first night:

Q. Did you and the Congressman get together subsequent to this?

A. Yes. I would imagine we had dinner three or four additional times. Specifically I do not recall. But that is in the ballpark.

Q. And did you engage in sexual activity each time?

A. Yes.

Q. When the Congressman first invited you to have dinner and as you got to know the Congressman, how did you feel in that environment, that a Congressman was talking with you?

A. I was flattered and excited.

Q. Did you feel intimidated?

A. No, I did not. I would like to state at this time—it would probably have been better if I had stated this in my opening statement—but the Congressman or the Honorable Gerry Studds was an intelligent, witty, gentle man with I think a high level of insecurity. He did nothing to me which I would consider destructive or painful. In another time, in another society, the action would be acceptable, perhaps even laudable. Unfortunately this is not the case. I have no axe to grind with him. I have nothing negative to say about the man. In fact, I thought that he provided me with one of the more wonderful experiences of my life, if

[9] According to the House records he began work as a page in mid-May. He remained on the House payroll until early August.

we exclude the instances of sexual experience which I was somewhat uncomfortable with. But I did not think it was that big a deal.

* * * * * * *

Q. You said you felt uncomfortable with it, did you continue with him because he was a Congressman, because he was someone you were impressed with?

A. No. Well, I kept company with him because he was an intelligent man, a fun person to be with. If I could have had my druthers, I would have had the friendship that I had with the man without the sex. And I mentioned that to him.

According to the page's testimony, his sexual relationship with Representative Studds continued during their trip together in August, 1973. The evidence does not indicate that any official funds were used for the trip. The page testified that he paid his own airfare to Europe, and a portion of the cost of meals and lodging with Representative Studds. The page testified that his relationship with Mr. Studds ended when they returned to the United States. The page also testified as follows:

Q. Did Mr. Studds ever offer any preferential treatment or offer you any inducement to have a relationship with him?

A. No, h did not.

Q. Did he ever threaten you or coerce you if you did not have a relationship with him?

A. He did not. Essentially all I needed to do to stop the relationship was walk out the door, or not go in the door, as the case may be.

The page testified that he is not homosexual and he had not had a homosexual relationship prior to his relationship with Representative Studds.

ii. Sexual advances to two other pages.—The Special Counsel received testimony under oath from two other former pages that Representative Studds made sexual advances to them in 1973. Each testified that he rejected the advance.

First page: This individual was a page in the House from mid-1972 through mid-1974. He became seventeen years old in the spring of 1973. He testified under oath at his deposition that he met Representative Studds one evening in 1973 at a restaurant or bar on Capitol Hill, while with a group of other pages. According to the page's sworn testimony, as the group of pages broke up later in the evening, Representative Studds offered to drive him home. The page accepted the offer. But instead of driving to the page's home, Representative Studds drove to his own home where he and the page continued to drink and talk for from one-and-a-half to three hours. According to the page's sworn testimony, Representative Studds then made a remark which the page interpreted as a sexual proposition. At the time the incident occurred, the page told at least two other individuals about it, one of whom was a staff member in the Doorkeeper's office.

Second page: This page was also a congressional page in the House from mid-1971 through mid-1973. He was seventeen years old in the Spring of 1973. In a sworn statement, this individual stated that, one evening after a late House session in the Spring of 1973, he went to a bar on Capitol Hill. He joined a group of individuals that included Representative Studds and a number of pages, House staffers and

Members of Congress. According to the page's sworn statement, he and Representative Studds, along with the others present, consumed a large quantity of alcohol in the course of the evening. The page stated under oath that at the end of the evening, Representative Studds offered to drive him and another page to their homes. Both pages accepted the offer. After dropping the other page off, Representative Studds invited this page to Representative Studds' house for another drink. At the house, the page stated that Representative Studds poured alcoholic drinks for himself and the page, and made a sexual proposition to the page, which the page declined. The page said that he told at least one other page about the experience. The page whom he told about the experience testified that he informed a staff member in the Doorkeeper's Office about the incident.

Knowledge in Doorkeeper's Office of sexual advances: Jack Russ, who was Majority Chief Page of the House in 1973, testified under oath that the first male page told him in 1973 that Representative Studds had made a sexual advance to him in the Representative's home. Mr. Russ said he did not pursue this matter because the first page "wasn't willing to pursue it" and because Russ "wasn't sure at that time whether or not he had mistaken a friendly gesture for an advance or not."

Mr. Russ was not the only official in the Doorkeeper's Office who was told of this incident. Another page testified under oath that in 1973 he told the Republican Cloakroom Page Supervisor, Ron Lasch, about Representative Studds' approach to the first and second pages.

In his deposition, Mr. Lasch recalled that this page told him about an incident in which Representative Studds made a sexual advance to one or two pages; he could only recall the name of one, the first page discussed above. Mr. Lasch testified that with regard to the incident, he did "Nothing, other than to suggest [to the page who told him of the incident] that [he] and the other kids should keep their distance." He stated that he did not do more regarding the incident "Because I didn't feel I had any means of doing anything more, either through the chain of command that I worked for or through any other set of circumstances, and that the best thing was that everyone be warned of it and stay clear of it."

b. Statement of Representative Studds and his attorneys

On June 13, 1983, the Special Counsel met with the attorneys for Representative Studds and proposed to them the same procedure he had proposed to Representative Crane. At that time, the Special Counsel informed Representative Studds' attorney of the names of the page who alleged he had engaged in sexual activities with Mr. Studds, and the first page who alleged that Representative Studds had made sexual advances. Subsequently, on June 21, 1983, the day prior to Representative Studds' appearance before the Committee, the Special Counsel obtained a statement from another male page that Mr. Studds had made a sexual advance to him. The Special Counsel informed the attorney for Representative Studds of this, but did not provide the name because the second page had not yet given testimony or a statement under oath. Accordingly, in their appearance before the Committee on June 22, Representative Studds and his attorneys were not in a position to address the allegation of the second page.

Representative Studds and his attorneys accepted the invitation of the Special Counsel and the Committee to appear before the Committee on June 22. In the appearance before the Committee, Representative Studds, through his attorneys, informed the Committee that he "does not seek a contest of the essential facts" of a sexual relationship between the Congressman and the page in 1973. The attorneys for Representative Studds also stated to the Committee that, "The facts will also require a finding that the relationship involved no coercion, harassment, preferential treatment or use of illegal drugs."

In their appearance before the Committee, Representative Studds and his attorneys argued that the sexual relationship of Representative Studds with a teenage page in 1973 (presumably, their argument would also apply to the sexual advances to the other pages in 1973) failed to meet the definition of improper sexual conduct adopted by the Special Counsel and published by the Committee in the December 14, 1982, Interim Report because of "the absence of actual preferential treatment and coercion and because of staleness." In the alternative, Mr. Studds and his attorneys argued that, if the Committee concluded that the conduct of Mr. Studds violated clause 1 of the Code of Official Conduct and did not "reflect creditably on the House", the Committee should report the facts "without reference to the names of the Congressman or other persons involved. . . ."

At the hearing on June 22, and subsequently in response to a formal request of the Special Counsel, Representative Studds and his attorneys stated that they did not wish to waive Representative Studds' right to a Statement of Alleged Violation and a public hearing. (Special Counsel's letter of June 27, 1983 and the response of Representative Studds' attorneys is at Appendix H.)

For the reasons set forth in Section VI of this report, the Special Counsel believes that any sexual relationship between a page and a Member of the House is a violation of the Standards of Conduct for House Members. In this case, however, the Special Counsel notes that, according to the sworn testimony of the page, the relationship did begin in a context of heavy drinking of alcohol.

The sexual relationship did occur ten years ago. But in disciplining its Members, the House is not bound by any statute of limitations. The precedents of the House and the Committee in this area seem clear. In 1978, for example, during a Committee investigation of Representative Charles H. Wilson of California in connection with the Korean influence investigation, the Committee received evidence of other questionable conduct, unrelated to its Korea investigation, that occurred in 1971 and 1972. The Committee investigated that conduct and in 1980 recommended that the House censure Mr. Wilson for conduct which occurred 9 years earlier. H. Rep. No. 930, 96th Cong., 2d Sess. II (1980). The House voted censure on June 10, 1980. 26 Cong. Rec. H4708 (daily ed. June 10, 1980). The conduct for which Mr. Wilson was censured involved his use of campaign funds for personal purposes, and conflict of interest. As the discussion in Section VI.d. demonstrates, statutes of limitations and the doctrine of laches do not apply to House disciplinary actions.

Representative Studds' attorneys alternatively argue that the conduct be reported and condemned without naming Representative Studds. They have cited as precedent for this practice the fact that the

Special Counsel did not name the Members of Congress referred to in his Interim Report. But in that report, and later in this one, the names of Members or House employees are not used where the allegations about them had no basis in fact.

Representative Studds' attorneys requested that a notice of preliminary inquiry be issued prior to issuing a Statement of Alleged Violations. Such a notice is not required. The Committee is proceeding under H. Res. 518, not under Rule 13 of the Committee Rules. Moreover, Representative Studds has already been provided at least as much information as he would be entitled to in a Notice of Preliminary Inquiry. He has also been given the opportunity, which he has taken advantage of, to respond to the allegations both in writing and in a personal appearance, accompanied by his atttorneys, before the Committee. In any event, the Committee in the past has issued Statements of Alleged Violation without issuing any Notice of Preliminary Inquiry, for example, in the case of four Members involved in the Korean influence investigation. H. Rep. Nos. 1740, 1741, 1742, 1743, 95th Cong., 2d Sess. (1978).

c. Recommendation

Based on the evidence obtained in the course of this investigation, the Special Counsel recommends that the Committee vote to have a Statement of Alleged Violation transmitted to Representative Studds. The Special Counsel recommends that the statement include these counts:

(1) That during the period May to August, 1973 Representative Studds engaged in a sexual relationship with a 17-year-old male page, whom he knew was a page (which may have begun when the page was 16 years old), and which ended in August, 1973;

(2) That in 1973 Representative Studds made sexual advances to a second male page, who he knew was a page, who was 16 or 17 years old at the time;

(3) That Representative Studds made sexual advances to a third male page in 1973, whom he knew was a page, who was 17 years old at the time.

The Special Counsel recommends that this Statement of Alleged Violation state that such conduct constitutes improper sexual conduct under H. Res. 518 and is a violation of clause 1 of the Code of Official Conduct of the House of Representatives.

The Special Counsel recommends that the Statement of Alleged Violation not include the names of the pages involved to protect the identity of the former pages from being disclosed publicly at this time. The names of two of these pages have already been provided to Representative Studds, and the Special Counsel recommends that the name of the third former page be provided to him when he is served with the Statement of Alleged Violation. This procedure will assure that Representative Studds has a fair opportunity to prepare his case, while for the present, at least, keeping the identity of the pages confidential.

3. James C Howarth

a. Investigation and findings

On December 14, 1982, the Committee adopted a resolution commencing a preliminary inquiry into certain allegations involving the Majority Chief Page, James C. Howarth, an employee of the Doorkeeper's Office of the House of Representatives. On January 27, 1983, the Com-

mittee adopted a nearly identical resolution re-authorizing that inquiry for the 98th Congress.

The evidence obtained in the course of the Preliminary Inquiry indicates that there is reason to believe that the following violations occurred:

Howarth abused his position as Majority Chief Page and engaged in sexual misconduct, in that during the spring of 1980 he had sexual relations on a regular basis with a female page directly under his supervision. At the time of this sexual relationship, the page was 17 years old. Howarth was 28 years old.

Howarth failed to execute faithfully his duties as Majority Chief Page and abused the authority of that position, in that he dispensed special favors and preferential treatment, by allowing the page with whom he was having sexual relations to take time off from her page duties.

Howarth engaged in illegal narcotics activity, in that he purchased and possessed cocaine in the Democratic Cloakroom of the House of Representatives on two separate occasions.

i. Sexual misconduct.—The female page in question served as a page in the U.S. House of Representatives from July, 1979, until June, 1980. During that period, Howarth was an employee of the Doorkeeper's Office with the title of Majority Chief Page. In that capacity, he supervised pages and had direct supervisory responsibility over this page.

This page testified under oath that during approximately the last two and one-half months of her page tenure she engaged in sexual relations with Howarth on a regular basis. She said that the relationship was consensual.

The page testified that throughout the last several months of her page tenure she spent nearly every night with Howarth at his apartment.

The page testified that during this period she virtually stopped attending class at the Page School. She said that she would "stay up all night" as a result of her relationship with Howarth, and that it was, therefore, difficult to get up in time for the Page School's early classes.

The page's account of her relationship with Howarth is corroborated to a significant extent by sworn testimony of the page's sister and mother, and by other pages.

The page also provided descriptions, which have been confirmed by the Special Counsel's office, of Howarth's apartment and habits, including his address in 1980, a detailed description of the layout and furnishings of the apartment, and his shopping and living routines.

ii. Granting of preferential treatment.—In addition to her allegations of sexual misconduct, the page has also testified that Howarth granted her preferential treatment while she was employed as a page in the House. The page testified that Howarth allowed her to take time off from her page duties whenever she pleased. She testified that, on at least one occasion, she feigned illness as an excuse.

iii. Illegal narcotics activity.—Robert Yesh, a former employee of the House, stated under oath that Howarth purchased cocaine from him on at least three occasions during the period January, 1979, through December, 1980. On at least two of those occasions, according to Yesh's sworn statement, Howarth purchased cocaine from him in the Democratic Cloakroom of the House of Representatives. Yesh has

stated under oath that Howarth purchased one gram of cocaine from him for $100 in the Cloakroom on one occasion, and one-eighth ounce of cocaine from him for $500 in the Cloakroom on another occasion. Howarth's use of cocaine is corroborated by testimony from the page with whom Howarth was sexually involved.

b. Statement of Mr. Howarth's attorney

Mr. Howarth's attorney responded to the first Notice of Preliminary Inquiry on January 5, 1983. In the response, his attorney stated that Mr. Howarth was unable to respond to the charge of sexual misconduct because he was not given "the name of the female page with whom [he] allegedly conducted a relationship" and because of the need for more specific times with respect to the other items in the Notice. Mr. Howarth's response to the second Notice of Preliminary Inquiry was virtually identical. Mr. Howarth's attorney was informed that, under Committee rules, such a request for particulars was appropriately made in response to a statement of alleged violation, not in the preliminary inquiry stage of proceedings. The attorney submitted no further information and Mr. Howarth submitted no further statement, orally or in writing, to the Committee.

c. Recommendations

Based on the evidence obtained, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation against Howarth. The Special Counsel recommends that the Statement contain four counts:

(1) That during the period from approximately April, 1980, through mid-June, 1980, Howarth violated clause 1 of the Code of Official Conduct of the House of Representatives by engaging in a sexual relationship on a regular basis with a 17-year-old female page who was at the time employed as a congressional page by the House of Representatives and was under his direct supervision.

By engaging in a sexual relationship with a female page under his supervision, Howarth breached his fiduciary duties to pages, abused the trust given him as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

(2) That during the same period of time, Howarth failed to execute his duties as Majority Chief Page and dispensed special favors and privileges in violation of clause 3 and clause 5 of the Code of Ethics for Government Service and clause 1 of the Code of Official Conduct of the House of Representatives by allowing the female page referred to above to absent herself from her page duties whenever she chose. These special favors and privileges constituted preferential treatment of a page as a consequence of a sexual relationship.

By granting these favors and privileges, Howarth breached his fiduciary duties to pages, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

(3) and (4) That during the period January, 1979, through December, 1980, Howarth engaged in illegal narcotics activity by purchasing and possessing cocaine in the Democratic Cloakroom of the House of Representatives on two separate occasions. Specifically, on one occasion Howarth purchased in the House Democratic Cloakroom one gram of cocaine from a then employee of the House of Representatives. On an-

other occasion, Howarth purchased one-eighth of an ounce of cocaine in the House Democratic Cloakroom from the same employee.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

The Special Counsel recommends that the Statement of Alleged Violation not include the name of the page involved to protect the identity of the former page from being disclosed publicly at this time. The Special Counsel recommends that the name of this individual be provided to Mr. Howarth when he is served with the Statement of Alleged Violation.

D. OTHER ALLEGATIONS

During the course of the investigation pursuant to H. Res. 518 and H. Res. 12, the Special Counsel received other allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. The Special Counsel has investigated these allegations thoroughly and has found no evidence to support them. The allegations and the results of the Special Counsel's investigation are summarized below. Since these allegations are without substantiating evidence, the Special Counsel has not included the names of the individuals involved in the allegations.[10]

Allegation

On July 8, 1982, the New York Daily News published an article headlined, "Say Dem & Page Went on Gay Tour." The article states:

> "A Democratic Congressman took a teenage male Capitol Hill page on a tour of gay bars in Key West, Florida, during a Christmas vacation. . . . A Washington resident said he spotted the teenager in a Key West bar in December, 1979 and the youngster admitted that 'an older man' had taken him to the Florida resort for the Christmas vacation. He pointed out a man sitting at the bar as his companion, and the Washington resident identified him as a member of the House of Representatives."

This article was itself the subject of an article in the Fort Worth Star Telegram on July 8, 1982, entitled, "Tour of Gay Bars Alleged."

Investigation.

The Special Counsel attempted to determine which Congressman was referred to in the article, and requested the Daily News to provide that information so that the story could be investigated. A reporter for the News mentioned the name of the Congressman to at least one former page whom he interviewed for the story. The Daily News reporter confirmed to the Special Counsel's office that he had contacted this page regarding this allegation. Beyond this, the Daily News reporter who wrote the story and the Daily News reporter who called the page about the article in July, 1982, refused to be inter-

[10] The Special Counsel also received a number of allegations about individuals no longer associated with the House of Representatives. These allegations have not been pursued.

viewed by the Special Counsel's staff. The Daily News has refused to tell the Special Counsel whom the story was about. This conduct is in sharp contrast to the cooperation of the Daily News and one of its reporters with the Senate Foreign Relations Committee, when it provided reportorial notes in connection with the nomination hearings of Kenneth Adelman. The exchange of correspondence between the Spceial Counsel and the Daily News is reproduced as Appendix I to this Report.

One former page whose deposition was taken in the course of this investigation testified under oath that a reporter from the Daily News had asked him if a specific, named Congressman (Congressman 1) had taken a page to Key West, Florida. In addition, the press secretary for Congressman 1 testified under oath that he was contacted in the summer of 1982 by a reporter who asked about a trip by Congressman 1 to Florida with a page. The press secretary said that the reporter could have been from the Daily News, but he wasn't certain.

The Special Counsel therefore investigated the possibility that Congressman 1 was the Congressman referred to in the article. It has been established that Congressman 1 did take a trip to Key West, Florida in December, 1979, but the Special Counsel has not found any evidence that he was accompanied by a congressional page on this trip.

Investigators from the Special Counsel's staff reviewed the Congressman's official travel records for 1979 and 1980. These records did not indicate any official trip by him to Key West, Florida. The Special Counsel's staff then sought to determine if he had made a personal trip to Florida. Interviews with the Congressman's staff indicated that he had travelled to Key West around Christmastime, 1979.

The Special Counsel requested and reviewed the Congressman's personal credit card receipts, telephone bills and travel records. The Special Counsel obtained the hotel registration records from a Key West hotel, which indicated that the Congressman was in Key West, Florida for a week at the end of December, 1979 through the beginning of January, 1980.

Having determined that Congressman 1 was in Key West, Florida at the time described in the newspaper article, the Special Counsel next sought to determine if he had been there with a congressional page. Investigators obtained from the Clerk of the House a list of all persons who had been pages in December, 1979. The Special Counsel also obtained a computer printout listing all persons who had been pages in December, 1979 and January, 1980. Other records in the Special Counsel's Office were checked for additional names.

From these sources investigators obtained the names of seventy-three persons who had been pages at that time. Attempts were made to interview all of these pages by telephone regarding any information they had about a page taking a trip to Key West with a Congressman. Letters were sent to twenty-five former pages who could not be reached by telephone. The Special Counsel has received responses to eleven letters. Fifty-nine of these former pages have been interviewed regarding this matter; one has been deposed under oath. None of the fifty-nine pages had any information linking Congressman 1 with any page in a trip to Key West in 1979–80.

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The Special Counsel obtained copies of tickets of all passengers on the Eastern Airlines flights taken by the Congressman on his way to Key West from Washington, D.C., and on his return. A review of these tickets confirmed that Congressman 1 was ticketed on each of these flights. The names of all other ticketed passengers were reviewed to determine if any congressional pages were aboard these flights. The Special Counsel compared the names with the listings of pages for that period and it was determined that none of the pages were listed as passengers. The registration records of the hotel where Congressman 1 stayed in Key West, Florida were also obtained. No name of a congressional page listed in the records provided by the House appeared on the hotel's books.

The former page who was deposed in this matter stated that in January, 1980, another page told him he had gone to Key West in December, 1979, with a Member of Congress who was a friend of his father. This Congressman was not Congressman 1. That former page who was identified by the witness was interviewed regarding this allegation. He stated that his father was a friend of this other Congressman. He said he had not been in Key West with either his father or this Congressman in December, 1979, nor had he told anyone that he had been.

Conclusion

In spite of being able to confirm that Congressman 1 was in Key West, Florida, around Christmas of 1979, the Special Counsel has not uncovered any evidence that he was accompanied by a congressional page on this trip.

The Special Counsel [illegible] vestigated three other allegations involving sexual misconduct [illegible] ongressman which were not substantiated. Since one of th[illegible] ns concerned Congressman 1 and congressional pages and [illegible] cerned possible sexual harassment of a House employee, the S[illegible] nsel investigated these allegations to determine if any acti[illegible] ne scope of H. Res. 518 and H. Res. 12 had taken place.

Allegation

A District of Columbia Metropolitan Police Department detective, who had investigated allegations of illegal activity by Members, officers or employees of the Congress, testified under oath as follows:

> . . . I received a phone call from a gentleman that told me in relation to the arrest of a Mr. Hinson, Congressman Hinson, for homosexual acts, that the Capitol Police, in setting up that electronic stakeout using video equipment, had in fact run across an earlier member who had engaged in a homosexual act in the same men's room, but were obligated to make a phone call to the Speaker's Office to verify the enforcement activity that would ensure and that gentleman—as I received it, and again I can't qualify [sic]—was [Congressman 1]. They were informed that he was to be run out of the men's room subsequent to his committing purportedly a homosexual act which the Capitol Hill Police observed and was dismissed.

The Special Counsel's office received a similar allegation from a newspaper reporter who had been told that Congressman 1 had been

caught in a situation similar to that involving former Congressman John Hinson, and that the Speaker had covered up for Congressman 1.

Investigation

Because of the seriousness of this charge, the Special Counsel conducted a detailed investigation of this allegation. The police captain—a Metropolitan Police Department officer who was on detail to the United States Capitol Police Department—who supervised the surveillance operation which resulted in the arrest of Congressman Hinson, was interviewed and deposed. He testified that Congressman 1 was never observed in the Longworth House Office Building men's room that was under surveillance during this investigation. He stated that another congressman, not Congressman 1, was observed in the men's room, but this other congressman did not do anything to warrant arrest.

Two United States Capitol Police officers who participated in the surveillance were interviewed separately and gave sworn statements regarding this allegation. Each officer stated under oath that he did not see any congressman other than Hinson in the men's room during the time they conducted surveillance of the room.

Sworn statements were also obtained from two police sergeants who had also participated in the investigation. One stated under oath that he did observe a congressman other than Mr. Hinson in the men's room, but it was not Congressman 1. He said he did not observe this congressman involved in any homosexual acts. He said he also observed a Capitol tour guide, a Senate employee, and various other individuals who were not employed by the Congress. He stated under oath that he did not recall receiving any instructions, prior to or during his surveillance, to report to any higher authority the name of any congressman seen before making an arrest. He also stated under oath that the police were not focusing on any one individual, nor were they going to give any individual a break.

The other sergeant stated under oath that Mr. Hinson was the only person he saw during the surveillance whom he recognized as being a congressman. He also stated that he received no instructions from USCP officials or others relating to not making an arrest of a congressman.

The Chief of the United States Capitol Police was also deposed about this matter. He stated under oath that, in advance of the Hinson arrest, he had told the Sergeant-at-Arms of the House that the complaint about the men's room might involve Members of Congress. He said the Sergeant-at-Arms told him that there was no alternative except to enforce the law. The Capitol Police Chief said that it was reported to him that another congressman was observed in the men's room, but that he told the captain in charge of the surveillance, ". . . whatever violation occurred, just arrest the perpetrators. . . ." He further stated under oath that the only directive he received was ". . . to enforce the law and to make arrests, whoever they might be."

Finally, the individual who was the Sergeant-at-Arms at the time of the investigation was deposed regarding this allegation. He testified under oath that he told the Chief of the Capitol Police to "arrest anyone . . . engaging in any activity" warranting arrest. He stated that he did not issue or receive any instructions regarding any Member

of Congress, that no names of particular Members were mentioned to him regarding the investigation, and that, in fact, Representative Hinson's name was reported to him only after Representative Hinson was arrested. The former Sergeant-at-Arms stated that he told the Speaker that the investigation was under way, but that the Speaker gave him no instructions other than to proceed with the investigation.

In addition, employees of the Speaker's Office were interviewed and stated that they were unaware of any directions or actions taken to "protect" any Congressman.

The reporter who made the similar allegation was contacted four times by the Special Counsel's staff and asked to name the source of his allegation or have the source contact the Special Counsel's staff. The reporter would not reveal the name of his source, but he did agree to ask the source to contact us. This source has not contacted the Special Counsel's staff.

The reporter admitted that he was passing on information he had heard. He has not published this allegation, and the Special Counsel has not been able to substantiate it independently.

Conclusion

The Special Counsel was unable to ascertain the source of this rumor. Based on the available evidence, it appears that in fact Congressman 1 was never observed in the Longworth House Office Building men's room which was under surveillance when Mr. Hinson was arrested, and that no attempt to coverup took place.

Allegation

A House employee testified under oath that soon after he went to work for Congressman 1 in 1979:

> A friend of mine who works in another congressional staff mentioned that she had heard [that Congressman 1] had had problems with pages, sexual problems with pages, in the past, and the Speaker had bailed him out on one past occasion.

This employee did not himself appear convinced that the story was accurate. He testified further about his conversation:

> Once again, though, I have to warn you, that this is rumor that was passed on to me, and I think it was rumor that she heard, and I just don't want to pass it on or leave you with the impression that it was anything but rumor.

Investigation

The Special Counsel deposed the person whom this employee said told him this story. She denied having any knowledge from any source that Congressman 1 was sexually involved with pages or that Congressman 1 had been "bailed-out" by the Speaker for any problem involving sexual activity. She denied ever saying this to the employee who made the allegation. She said she thought that Congressman 1's name might have been mentioned in connection with pages when the "page scandal" broke in the summer of 1982, but she did not recall ever discussing this with the other employee.

She did not recall a conversation with this employee about Congressman 1's homosexuality after he went to work for the Congressman. She did recall a later converation with him when Congressman

1's homosexuality might have been discussed. As to a bail-out of Congressman 1 by the Speaker, she did not recall ever hearing such a rumor, or mentioning it to the other employee.

Both of these employees were credible witnesses. The alleged source of the allegation was represented by counsel at her deposition. It is possible that she may have mentioned something to the other employee which she does not now recall, or that he read a meaning into something she said which she did not intend. The Special Counsel concludes that she did not lie under oath, and was telling the truth when she said she does not have any knowledge about a bail-out of Congressman 1 by the Speaker.

Conclusion

On the basis of these interviews and depositions it appears possible that a rumor may have been circulating among congressional staff or the press concerning Congressman 1 and a page and about a "bail-out" by the Speaker. No evidence, however, has been uncovered to identify the source of these rumors or to substantiate them.

Allegation

A newspaper reporter contacted the Committee and said that Congressman 1 had tried to sexually intimidate an employee. This employee worked for the Congressman as a legislative aide from July, 1979, until he was fired at the end of December, 1980. Before and after this time, this employee worked for another Congressman. He was born in 1947, and was thirty-two years old when he was allegedly subjected to sexual intimidation.

Investigation

The employee testified that shortly after he was hired he accompanied Congressman 1 on an overnight trip to his district in August, 1979. They stayed at the Congressmans' home, which had one bedroom with two beds. While they were talking prior to going to bed, the employee testified he became very uncomfortable because he was carrying the conversation while the Congressman sat and stared at him. He therefore excused himself and went to bed. He testified that about five minutes later, Congressman 1 walked into the bedroom, opened the door and said, "I have just one question." The employee recalls saying, "What is that?" The Congressman said, "Would you like some company in the bed?" The employee testified that he replied, "Absolutely not, I am going to get some sleep and I suggest you do the same." He further testified that the incident was not repeated that night or at any other time during the trip, but he and Congressman 1 did not take any more trips together.

The employee was fired by Congressman 1 some 16 months after the incident.

In May, 1981, five months after he left Congressman 1's staff, the employee wrote a letter to Congressman suggesting that he had been the victim of sexual harassment.

The employee testified under oath that he believes he was fired because he and Congressman 1 were never able to work together as a team after certain tensions grew up between them. He attributed these tensions to the incident described above. The employee testified that, after

the August, 1979 incident, Congressman 1 became more critical of his work and it was sometimes difficult to see him on business.

The Special Counsel's staff interviewed and deposed other staff employees of Congressman 1 about their working relationship with the employee and their perception of his relationship with the Congressman. Without exception, they testified that this employee did not get along with his fellow workers in the Congressman's office; that they felt that this employee was not carrying out his responsibilities; and that he did not have a good working relationship with Congressman 1.

Conclusion

The Special Counsel concluded that even if the alleged sexual proposition took place, the evidence obtained provided an insufficient basis to conclude that the firing was in retaliation for the employee's refusing that sexual proposition. First, the alleged proposition was made one month after the employee was hired, and the employee remained on the staff for another 16 months. Second, the unanimous testimony of other staffers indicated that there were independent reasons for the employee's dismissal.

Allegation

Two television news broadcasts, one in November, 1981 and one in July, 1982, reported allegations that foreign intelligence agents were using male prostitutes to compromise high government officials, and purchasing client lists from homosexual prostitution services. Each broadcast was based on an interview with an unnamed, silhouetted informant. No Members, officers or employees of the House were mentioned by name in these reports. However, according to the November, 1981 broadcast, a callboy who had a Congressman among his customers was approached by a Soviet agent for information. The July, 1982 broadcast stated that lists confiscated from male prostitution services included names of "Members of Congress and top congressional aides."

Investigation

The Special Counsel located and interviewed the individual who appeared in the November, 1981 broadcast. He had worked as an informant for various law enforcement agencies, including the New York State Crime Commission. This informant told the Special Counsel's Office that he had no knowledge of any Member, officer or employee of the House involved in any illegal or improper sexual conduct, or whose name has been on any list furnished to foreign intelligence sources by male prostitution services. He said that he actively and diligently sought out Capitol Hill people during his investigative activity but could find none. In addition, this informant told the Special Counsel's office that media reports of the KGB having access to call services' client lists were the result of "irresponsible" reporting that he was unable to confirm.

This informant had testified before the New York State Crime Commission and had been debriefed by Commission staff prior to that testimony. The Counsel to the Commission told the Special Counsel's Office that the informant had no information about any illegal or improper sexual conduct of any Member, officer, or employee of the U.S. House of Representatives. The informant made no allegations

concerning Members, officers, or employees of the House to the Commission or its staff or in any of the media reports.

The Special Counsel's Office located and interviewed the individual who was interviewed in the July, 1982 broadcast. This individual provided no information to Special Counsel's staff concerning activities of foreign intelligence agents or their use of male prostitute lists to obtain information from Members, officers or employees of the House. This individual had worked as an informant for the Metropolitan Police Department. The detective with whom the informant worked told the Special Counsel's office that he believed the informant was not telling the truth in the Juy, 1982 broadcast since he mentioned incidents he had never reported to the police department.

Conclusion

The Special Counsel found no evidence to support further investigation of these allegations. In addition, the Special Counsel's investigation found substantial questions as to the credibility of the source of the July, 1982 broadcast.

Allegation

The Special Counsel received from several sources variations of a rumor that sometime between 1979 and 1981 a page became pregnant by a Congressman, had an abortion and was sent home before her term expired. One variation of the rumor alleged that the Congressman involved gave the page money for an abortion or to keep her quiet.

Investigation

The Special Counsel conducted a thorough investigation of these rumors and found that two female pages had abortions during this time period. The Special Counsel determined that in neither instance was the person who made the page pregnant a Member or employee of the House.

Page A

A former Senate page who had dated Page A, told the Special Counsel's investigators that Page A, who was sent home from the page program before completing her term, told him that she had had an abortion. The former Senate page said that Page A did not attend her classes regularly and was doing poorly in her studies. He believed this was the reason she was sent home.

Page B, who served as a page from June, 1979 to June, 1980, told the Special Counsel's office in a sworn statement that he had been told that another page had seen a check made out to Page A from the Congressman who sponsored her. According to what Page B was told, Page A had said that the check was for a dress. However, Page B was also told by Page C or D that the check was for an abortion, not a dress. Page B stated that he believed the check was in an amount not more than $200. He said that he had never spoken to Page A about the matter and never received any information about it except second-hand from either Page C or D.

Page C told the Special Counsel's office that she had heard a rumor that Page A and Page A's congressional sponsor had had a "special" relationship. Page C emphasized that this was only a rumor. Page D said she had heard rumors that Page A had become pregnant and left,

but had not heard that a Congressman was involved or that Page A received any money.

Page A told the Special Counsel that she had been dismissed from her page assignment because she was not attending school as a result of frequent illnesses. She also stated, however, that in March, 1980 she became pregnant by her boyfriend who lived in her home town. As a result of the pregnancy, and related sickness and emotional stress, her school atttendance became worse. She was told by the Doorkeeper's Office that she was being sent home because of poor grades and attendance.

Page A stated that she returned home when her page appointment was terminated and that she and her boyfriend decided that she should get an abortion. Page A said that, on May 5, 1980, she had an abortion at a medical clinic in her home town. The abortion was paid for in cash provided to Page A by her boyfriend. Page A's statements regarding her pregnancy, her abortion, and the role of her boyfriend were repeated by her under oath in a sworn statement. The Special Counsel's office also obtained statements from Page A's boyfriend concerning these matters under oath. Page A's boyfriend confirmed the story that Page A told in all particulars. Page A's boyfriend stated under oath that he was not associated in any way with the House of Representatives.

Page A stated under oath that she did not tell her congressional sponsor of her pregnancy or abortion. Page A also stated under oath that the Congressman who sponsored her is a personal, lifelong friend of her family and that her mother has worked in his election campaigns throughout his political career. Page A said that her father died when she was eight years old and that her congressional sponsor has helped the family from time to time. Page A stated under oath that in May, 1980, this Congressman presented her at her debutante ball. Page A also stated that in March, 1980, her sponsor gave her a check for $250.00 to purchase a gown for this occasion. In April, 1980, she cashed the check and used the money to purchase a gown, shoes, and purse at a bridal shop in her home town. Page A also stated that about one week before cashing the check, she showed it to the owner of the bridal shop.

The owner of the bridal shop confirmed Page A's statements. The shop owner stated under oath that on April 9, 1980, Page A purchased a gown and that sometime in the week prior to making the purchase Page A had shown her and her husband a check given to her by her congressional sponsor in the amount of $250.00. Since it was a third-party check, the shop owner asked that Page A cash the check and pay for the gown in cash. The owner provided the Special Counsel with a copy of the receipt for the dress in the amount of $187.95.

Page E

The same former Senate page who related the rumor about Page A, also told the Special Counsel's office under oath that he had heard that Page E had become pregnant and had an abortion. This former Senate page also said that he was certain that the male involved with Page E was his brother who had visited him in Washington for about three weeks in January, 1980 and had dated Page E regularly during that period.

The brother stated under oath that he met Page E during a 22 day visit with his brother in January, 1980 and that, a few days before his departure from Washington, D.C., he and Page E became sexually involved. He said that about six weeks after he left Washington, Page E called him and told him she was pregnant as a result of their relationship. About two weeks later she called again and told him she had had an abortion. He did not offer, nor was he asked, to pay for the abortion. The Special Counsel found no evidence that the brother was employed by the House, or that he was associated with the House in any other way. The Special Counsel's office found no evidence that Page E left the page program before completing her appointment.

The Special Counsel found no evidence to support the allegation that either Page A or Page E became pregnant as a result of a relationship with a Member, officer, or employee of the House, or that either received any money from a Member or employee relating to a pregnancy or abortion.

* * * * * * *

Allegation

A former male page, Page F, testified under oath that while he was a Page he had a sexual relationship with a female employee of the House.

Investigation

Page F was 16 years old at the time of the alleged relationship and he testified that the female employee was six to ten years older. Page F refused to divulge the name of the female employee. He stated that the person was not a supervisor of his and that there was no coercion involved. Page F did say that the employee told him "she wouldn't give [him] difficult runs." Subsequent efforts by the Special Counsel's office to learn the name of the House employee involved were unsuccessful. However, the Page's father told the Special Counsel that the employee was a secretary who was in no position to give the page any preferential treatment and that the reference to "difficult runs" was made in a joking manner.

Conclusion

The evidence obtained by the Special Counsel indicates that there may have been a relationship with a secretary. However, Page F would not identify the secretary involved, and the father of the page informed the Special Counsel that the page would not cooperate further with any investigation. In addition, Page F had made other statements that the Special Counsel found to be unreliable. Moreover, if the page's story is credited, it appears that the House employee involved did not supervise pages and did not hold a high position in the House, and that no preferential treatment, coercion, or harrassment was involved. Under all the circumstances, the Special Counsel did not pursue this matter further.

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Allegation and investigation

Page G told the Special Counsel's staff that she was invited to dinner by a Congressman and that when she refused his invitation, the Congressman jokingly asked her whether she liked her job and wanted to

keep it. Page G said that although she had not viewed the remark as a threat and felt that the Congressman had been joking, she was offended by the remark. The page said she reported that incident to her congressional sponsor who, she said, subsequently told her that the situation had been taken care of. According to the page, the Congressman did not speak to her again, and no further incidents occurred.

Conclusion

While the Congressman's remarks were ill-advised and in poor taste, the Special Councel found no evidence that any sexual misconduct occurred.

Allegation

Page H testified that in July, 1981 a page named Diane was rumored to have had a sexual relationship with a Member of Congress. Page H recalled neither the last name of the Page nor the name of the Member allegedly involved.

Investigation

The page school records, finance records and page printouts (1978–82) were reviewed in an attempt to identify a Diane who fit the circumstances of the rumor. Several pages with the first name Diane were eliminated based on the times of their terms as pages, their residences and/or physical descriptions.

Two pages named Diane were located and interviewed. The first page stated that she resided at home during her tenure, not at the location mentioned in the rumor, and was kept under a very strict curfew by her parents. She denied any knowledge of sex or drug activities.

The second page also told the Special Counsel's office that she resided at home during gher tenure as a page, not at a location compatible with the rumor. She stated that she had no knowledge of the activities described in the rumor.

Conclusion

The Special Counsel found no evidence to support the allegation.

* * * * * * *

Allegation

A former male page, Page I, told the Special Counsel's office that he had been sexually approached by a man whom he believed to be a legal consultant for an unknown Member of Congress.

Investigation

Page I testified that in early 1979 he had met the alleged legal consultant at a Pennsylvania Avenue bar. In April, 1979, the page played squash with the man, after which they drove back to the man's apartment where the man made homosexual advances. House personnel records do not contain the name given to Page I by the "legal consultant." Apparently he either gave a false name to the page or lied about his employment. The page could provide no further identification of the individual.

Conclusion

Because of the lack of information there was no way to pursue the matter further.

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Allegations of pages J and K

Pages J and K made a variety of allegations in interviews with the FBI and/or in interviews and depositions conducted by the Special Counsel's office. As a whole, these allegations are based on second or third-hand information and on vague feelings or impressions. In addition, in several instances the accounts given of events by Pages J and K are directly contradicted by others or by themselves in subsequent testimony. In general, the Special Counsel found them not to be credible witnesses. However, due to the serious nature of several of the allegations, the Special Counsel did investigate the charges, and the results are summarized below.

Allegation

Page J told the FBI and the Special Counsel's staff that Congressman 2 was involved in a homosexual relationship with Page K who had been fired when he "started to talk."

Investigation

The Special Counsel's staff deposed both pages as well as individuals who had participated in the decision to terminate Page K. Page J testified that his suspicions were based on Page K's continual praise of Congressman 2, his "total access" and late night visits to the Congressman's office, and on page K's mannerisms and general gossip. Page J testified that he had no evidence to substantiate his claim. Page J also testified that Page K had been terminated because he had "started to talk" about this relationship with the Member, and had thus become a threat.

Page K, who was allegedly involved with the Congressman, denied the existence of a sexual relationship, as did the Congressman. Members of the Doorkeeper's staff testified that they had recommended Page K be terminated due to failing school grades, poor work attendance, and improper activities, which included writing bad checks, lying to page supervisors to obtain a free weekend and possible use of drugs. The Doorkeeper testified that he took these elements into account in deciding to terminate Page K but that his office does not keep official records of the reasons for terminating pages. Congressman 2 stated that Page K was dismissed on the basis of the Doorkeeper's recommendation because of drug activities, attendance at all night parties, and lax work performance. The reason given to the other pages for the dismissal was poor grades. This explanation was used to avoid tainting the page and the House of Representatives.

Two staff members of the page's sponsor confirmed that the sponsor agreed to terminate the page because of his involvement with drugs and deficient grades. The Special Counsel's examination of Page K's school records showed that his highest grade in his two semesters at the Page School was "C+" and that he also received one "C−", four "D's," and one Incomplete.

Conclusion

The Special Counsel had found no evidence to support either the allegation of a homosexual relationship with a Congressman, or the allegation that the page was terminated in order to cover up any relationship.

* * * * * * *

Allegation

Page J also told the FBI and the Special Counsel's staff that Congressman 2 was involved in a homosexual relationship with a young staff assistant, S, who Page J believed was a page.

Investigation

The staff assistant, S, told the Special Counsel's staff that he was an assistant in Congressman 2's office from September, 1981 to June, 1982, not a page. The page personnel records for this period reviewed by Special Counsel staff showed no one with his name was employed as a page. S denied the existence of a sexual relationship between himself and the Congressman. The Congressman also denied allegations of sexual misconduct with the young staff assistant. Page J testified that he suspected a sexual relationship because Congressman 2 gave the assistant "significant responsibility," such as using the assistant as a chauffeur, and because the mannerisms of the staff assistant suggested homosexual behavior. Page J had no other evidence and no other facts to support the allegation.

Conclusion

The Special Counsel has found no evidence to support the allegation.

* * * * * * *

Allegation

Page J and Page L told the Special Counsel's office that a female, Page M, had been approached by a page supervisor who was arranging dates between pages and Congressmen.

Investigation

Page J testified that Page M had been questioned extensively by the supervisor concerning her weekend plans and her personal relationships. Page J stated that Page M never told him that he had been asked by the staff to go out with any Member. But Page J said that this incident, together with the fact that the supervisor occasionally invited pages over for dinner, general gossip about the supervisor, and questions asked by a reporter about the supervisor, led Page J to believe the allegation.

Page L stated that Page M told him of an incident in which the supervisor told her that a Member wanted to meet her. Although Page M would not divulge the Member's name, Page L believed that Page M knew the Member's identity. As a result of this incident, Page L drew the conclusion that the supervisor arranged dates between pages and Congressmen.

Page M denied under oath ever having been questioned by the supervisor about her personal relationships or weekend plans. She also denied that the supervisor had told her that a Member of the House or Senate wanted to meet her. The supervisor testified under oath that he could not remember Page M nor could he recall any incident of talking with her.

The Special Counsel previously investigated a similar allegation regarding this supervisor and in his Interim Report found no basis for the allegation. Those pages who worked most closely with the supervisor were identified, interviewed and/or deposed. None of these pages had any personal knowledge or had heard any rumor of attempts by

this supervisor to arrange dates for Congressmen and none had any reason to believe such allegations.

Conclusion

Since both the individuals involved in this allegation deny any knowledge of it, since there are no known sources who could corroborate the allegation, and since other allegations regarding the conduct of the supervisor named in the allegation have been previously found to be without substance, the Special Counsel concluded that there was no evidence to support the allegation.

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Allegation

Page K told the FBI that a female page, Page N, told him of "passes and advances" made to her by two Members of Congress. These advances allegedly took place on the floor of the House. Page K told the FBI that he had no direct knowledge of Page N actually being involved with the Members of Congress.

Investigation

Page K testified under oath that he did not know the names of the Members involved. He did say that the female page had, on one occasion, pointed these two Members out to him. The page picked two photos from a book shown him by Special Counsel's staff, and testified that these two photographs could "possibly" have been the two Members involved. Page N testified that she had never been approached by either Member identified by Page K. She denied under oath telling Page K that she had ever been approached by Members of Congress. Page O, who had been a roommate of Page N, testified that she knew of no statements that Page N had ever made and knew of no actions of Page N while they roomed together to suggest that Page N was ever sexually propositioned by any Member of Congress.

Conclusion

The Special Counsel has found no evidence to support the allegation, while other evidence has raised doubts about the credibility of the page making the allegation. The Special Counsel concluded that there was no basis for further investigation.

* * * * * * *

Allegation

Page K alleged that a supervisor in the Doorkeeper's Office promoted two "running" pages, Pages N and P, to more attractive positions solely based on favoritism. Page P was male and Page N female, but Page K implied that the favoritism was based on sexual relationships between the supervisor and the promoted pages.

Investigation

The supervisor testified that the promotion of Page P was based on such factors as performance, personality and intelligence. With regard to the promotion of Page N, the supervisor told the Special Counsel's office that the page was a good worker.

The supervisor's perception of the competence of the two pages is supported in statements made by their peers in interviews with the

staff of the Special Counsel. Three former pages characterized the two as having had the "best reputations" with all the pages at the time of their appointments.

Both pages who were promoted were questioned by the Special Counsel's office. Both pages stated under oath that they knew of no occasion when an employee of the House used his office to obtain favors from pages. In an affidavit subsequently submitted to the Special Counsel's office, the page who made the allegation admitted that his suspicion was not based on any specific facts.

Conclusion

The Special Counsel found no evidence to support the allegations.

* * * * * * *

Allegation

The mother of two former House interns advised the Special Counsel's staff that her son had told her that male pages and interns were routinely approached with homosexual propositions by congressional staff. According to the mother, her son had related an incident in which he had gone to play chess at the home of a male administrative assistant who then made a sexual advance. In addition, the mother alleged that her daughter informed her that, while she was working on Capitol Hill, boys were often approached for homosexual affairs by Hill staff, but the girls were left alone.

Investigation

The Special Counsel's staff interviewed both the son and the daughter. The son said he had never been approached by any Member or employee of the House and denied knowledge of any sexual misconduct by Members, officers or employees of the House.

The son stated that, while an intern in a House Member's office in 1981, he had in fact met a male Senate employee who had made sexual remarks and physical advances toward him. He also said that the Senate employee had made advances toward other interns. This information has been provided to the Senate.

The daughter, who served as an intern in a House Member's office in 1976 and 1977, denied any knowledge of sexual misconduct by Hill staff and described her mother's account as being "definitely in error."

Conclusion

The Special Counsel found no evidence to support the allegation that House male pages and interns are routinely subject to homosexual advances. Allegations of sexual misconduct by a Senate employee were forwarded to the Senate Ethics Committee.

VIII. Conclusion

The Special Counsel recommends that the Committee accept this report as the Final Report on Improper or Illegal Sexual Conduct and make this report public.

The Special Counsel also recommends that the Committee take action in three cases:

First, the Special Counsel recommends that the Committee find that Representative Daniel Crane engaged in conduct in 1980 in violation

of clause 1 of the Code of Official Conduct of the House of Representatives. As a sanction, Special Counsel recommends that the Committee recommend that the House reprimand Representative Crane.

Second, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation in the case of Congressman Gerry Studds alleging that Congressman Studds engaged in a sexual relationship with a House page in 1973 and that Congressman Studds made sexual advances to two other House pages in 1973, in violation of the Code of Official Conduct.

Third, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation against James C. Howarth, Majority Chief Page in the Doorkeeper's Office, alleging that Mr. Howarth engaged in a sexual relationship with a 17-year-old House page under his direct supervision in 1980, that Mr. Howarth accorded this page preferential treatment as a consequence of their sexual relationship, and that Mr. Howarth purchased and possessed illegal drugs within the precincts of the House in 1979 and 1980, all in violation of applicable laws and standards of conduct.

Respectfully submitted.

JOSEPH A. CALIFANO, JR.

APPENDIX A

House Calendar No. 200

97TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-965

REPORT ON INVESTIGATION

REPORT

BY

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

PURSUANT TO

H. RES. 518

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

DECEMBER 14, 1982.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1983

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House Calendar No. 200

97TH CONGRESS, 2nd Session | HOUSE OF REPRESENTATIVES | REPORT No. 97-965

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL, SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

DECEMBER 14, 1982.—Referred to the House Calendar and ordered to be printed

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Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

On July 13, 1982, the House agreed to House Resolution 518. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

On July 27, 1982, this Committee retained Joseph A. Califano, Jr., as Special Counsel to conduct the investigation. The Committee's Special Counsel thereafter assembled a staff and has carried out an extensive investigation.

The Special Counsel has filed an interim report with this Committee, which the Committee has approved, on the investigative work completed during the 97th Congress. The Special Counsel's interim report is attached as an Appendix to this Report.

I. ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT

The Special Counsel reported that most, but not all, of the investigation of sexual misconduct had been completed. The Special Counsel found that the evidence conclusively indicated that the highly-publicized charges of sexual misconduct made by two former

pages were false. The basis for the Special Counsel's conclusions are set out in detail in his report.

In one instance, however, the Special Counsel recommended that the Committee initiate a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

In the case of the Preliminary Inquiry and of the matters still under investigation, the Committee voted to transmit all materials involved to the 98th Congress and to recommend these matters be completed as early as possible next year.

II. ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS

The work of the Committee's Special Counsel in investigating allegations of illicit use or distribution of drugs involved Members, officers, or employees of the House has been carried out in coordination with the Justice Department and its Drug Enforcement Administration. Both the Committee's Special Counsel and the Department of Justice have a number of matters under active investigation.

In one instance, the Special Counsel recommended that the Committee open a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

With respect to all the Special Counsel's work in investigating alleged illicit use of distribution of drugs, the Committee voted to transmit all materials involved to the 98th Congress with the recommendation that the investigation be completed promptly next year.

III. FURTHER RECOMMENDATIONS

The Committee further recommends:

(1) that the Committee on Standards of Official Conduct be constituted immediately upon the convening of the 98th Congress;

(2) that the 98th Congress agree to a resolution that provides the Committee on Standards of Official Conduct with the same powers and authority provided to this Committee by House Resolution 518.

IV. CONCLUSION

The Committee has carried out its work over the past four and a half months with a determination to fulfill its responsibilities under House Resolution 518 and to carry out the House's constitutional responsibilities under Article I, Section 5, to investigate and discipline violations by its Members, offices, or employees. The Committee believes that significant progress has been made. But the work that has been started must be carried forward vigorously and promptly. The Committee is confident that the 98th Congress will do so.

This report was adopted by a show of hands, 11 yeas, 0 nays, on December 14, 1982.

STATEMENT UNDER CLAUSE, 2(B) OF RULE X

The Committee's oversight findings and recommendations are stated in sections I, II, and III of this report.

No budget statement is submitted.

APPENDIX

INTERIM REPORT OF THE SPECIAL COUNSEL TO THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

SPECIAL COUNSEL'S OFFICE

Joseph A. Califano, Jr., Special Counsel; Richard Cotton, Deputy Special Counsel; Hamilton P. Fox, III, Associate Special Counsel; and Gerald T. McQueen, Chief Investigator.

I. INTRODUCTION AND SUMMARY

On June 30 and July 1, 1982, tens of millions of Americans watched two teenagers, both former pages of the House of Representatives, with their faces shielded, declare on the CBS Evening News that they had been victims of sexual misconduct by Members of the House of Representatives. One page told of "homosexual advances" by Congressmen and Congressional staff. CBS said the page had been "homosexually harassed."

The experiences described by the other page shocked the nation. He said that he had engaged in sexual relationships with three Members of the House of Representatives and that he had procured male prostitutes for House staffers. He told his interviewer that homosexual relationships were part of the system of what a page had to do to get ahead in the House. In June and July of 1982, these two former pages repeated those assertions—although with some inconsistencies—to newspapers and other television reporters, to the Federal Bureau of Investigation, and to investigators for the Committee on Standards of Official Conduct.

On July 13, 1982, the house agreed to house Resolution 518 which authorized and directed the Committee on Standards of Official Conduct to investigate allegations of:

(1) Improper or illicit sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers or employees of the house in exchange for sexual favors or drugs.

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment

is required and to advise the Committee of his findings and recommendations."

The Speaker, the Majority Leader, and Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member Floyd Spence in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made."

This interim report details the results of that investigation in the 97th Congress. The report responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations. This report of the Special Counsel sets out (1) the investigative work completed so far with respect to allegations involving sexual misconduct, (2) his findings and conclusions regarding this work, and (3) his recommendations on the work remaining to be done and on actions the Committee should take at this time.

IMPROPER OR ILLEGAL SEXUAL CONDUCT

The investigation conducted by the Special Counsel has extended beyond the original charges of sexual misconduct made by the two former pages. Pursuant to H. Res. 518, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives during the past three years. The Special Counsel has also investigated allegations that he has received of sexual misconduct involving preferential treatment but not involving pages.

The Special Counsel has found no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages. One of these pages testified under oath that he lied about having sexual relations with Members of the House and about procuring prostitutes for anyone. The other page, who had referred to homosexual approaches by Congressmen, testified under oath about three isolated instances of conversations in public places that lasted less than two minutes and involved no improper actions. This page testified that he himself no longer believed, in at least two of these instances, that there were any sexual overtones. The Special Counsel also independently investigated these allegations and has determined that the evidence conclusively indicates that all charges of sexual misconduct made by these two pages were false.

In the course of the investigation, the Special Counsel has received allegations of sexual misconduct from a variety of sources, wholly independent of the two former pages. The Special Counsel has completed investigation of most of these allegations. In most of these cases, the Special Counsel found no evidence to support the allegations.

In one instance, however, the Special Counsel has found reasonable indications that improper or illegal sexual conduct by an employee of the House may have occurred and, therefore, recommends that the Committee open a Preliminary Inquiry.

Under the Committee's rules, a Preliminary Inquiry is convened when evidence has been presented to the Committee that reasonably indicates that a violation may have been committed and the Committee determines that the evidence presented merits further inquiry. The individual named in a Preliminary Inquiry has the opportunity to present to the Committee, orally or in writing, a statement concerning the allegations that have been made. At the conclusion of the Preliminary Inquiry, if the Committee determines that the evidence establishes that there is reason to believe that a violation occurred, the Committee may direct that a Statement of Alleged Violation be issued to the individual involved. Full hearings must be held by the Committee on a Statement of Alleged Violation to determine whether to report a recommendation for disciplinary action to the full House. In this case, the Special Counsel recommends that the name of the individual who is the subject of the Preliminary Inquiry not be released publicly unless and until the Committee votes to issue a Statement of Alleged Violation.

The Special Counsel believes the evidence developed in this case requires the Committee, under its rules, to initiate a Preliminary Inquiry now, even though the full course of the proceedings cannot be completed in this Congress. The Special Counsel recommends that the Committee commence this Preliminary Inquiry, transmit all materials relevant to this matter to the next Congress, and recommend to the House leadership that the Committee on Standards of Offical Conduct be constituted immediately upon the convening of the next Congress so that prompt action on this matter can be concluded expeditiously.

A small number of other instances of possible sexual misconduct involving pages or involving preferential treatment remain under investigation, and the Special Counsel recommends that the Committee transmit these matters to the next Congress with its recommendation that investigation of them be completed as early as possible next year.

The Special Counsel has found some evidence of other isolated instances of both heterosexual and homosexual advances to pages by individuals no longer associated with the House. Since these cases are beyond the jurisdiction of the Committee, investigation of these matters has not been pursued.

ILLICIT USE OR DISTRIBUTION OF DRUGS

In coordination with the Department of Justice and its Drug Enforcement Administration, the Special Counsel has been investigating allegations of illicit use and distribution of drugs involving Members, officers, or employees of the House. Both the Department of Justice and the Special Counsel have a number of matters under active investigation.

In one instance the Special Counsel has already found reasonable indications that illicit use and distribution of drugs by an employee of the House may have occurred and, therefore, recommends that

the Committee open a Preliminary Inquiry now, under the same conditions described above with respect to the Preliminary Inquiry of sexual misconduct involving pages.

The rest of the Special counsel's investigation of alleged illicit use or distribution of drugs by Members, officers or employees of the House is not yet at a stage where a report can be made in writing to the Committee. The Special Counsel, therefore, recommends that the Committee transmit the evidence developed in this part of the investigation to the next Congress with the recommendation that the investigation be carried forward expeditiously.

THIS REPORT

The balance of this report describes the work of the Special Counsel to date in investigating allegations of sexual misconduct. It sets forth:

(1) The scope and method of the investigation of sexual misconduct.

(2) The current operation of the page system.

(3) The problems that developed during the 1981-82 year that sparked rumors of a "page scandal" and provided the springboard for sensational allegations in the press.

(4) The basis for the Special Counsel's conclusion that the specific charges made by the two former pages are false.

(5) The findings of the Special Counsel concerning other allegations, received in the course of the investigation, of alleged sexual misconduct by Members, officers, or employees of the House.

(6) The findings and conclusions of the Special Counsel concerning the February, 1982, investigation of pages conducted by the U.S. Capitol Police.

A. Scope

Pursuant to House Resolution 518, the Committee through its Special Counsel undertook an investigation to determine whether any Member, officer, or employee of the House of Representatives had engaged in any way in improper or illegal sexual conduct involving congressional pages.

The investigation focused on the period from July, 1981, to June, 1982, and on the allegations of two former pages that received national press attention beginning on June 30, 1982. But to ensure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods and about any kind of sexual advance, harassment, or relationship involving a congressional page and a Member, officer, or employee of the House. In this connection, the Special Counsel has tried to contact every page employed by the House of Representatives during the past three years. In addition, the Special Counsel investigated all information he received about alleged sexual misconduct by House Members, officers or employees involving preferential treatment even where that information did not involve congressional pages.

B. Method of investigation

Since Chairman Stokes and Ranking Minority Member Spence announced my appointment as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518 on July 27, 1982, I hae been able to conduct this investigation with complete independence. I have had complete freedom to make all appointments to the Special Counsel's staff, which has worked entirely under my direction, independent of the permanent staff of the Committee and of any other congressional office. The bipartisan leadership of the House and the members of the Committee on Standards of Official Conduct have provided the resources necessary to conduct a meticulous, searching, no-holds-barred investigation. In the course of this investigation, the Special Counsel has had the wholehearted cooperation of the Attorney General and the Justice Department.

C. The page system

During 1981–82, the House maintained 71 positions for pages. Pages must be high school juniors or seniors at least 16 but not more than 18 years of age at the time of appointment. Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees. Neither Committee has a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

Pages have a demanding daily schedule. Page School classes begin at 6:10 a.m. When the House convenes at noon, these classes typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5 p.m. or until the House adjourns for the day, whichever is later.

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsibile for supervising House pages during their working hours. Outside of working hours, no one has clear responsibility for supervision. In fact, the Handbook issued by the Doorkeeper specifically states that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

Pages must find their own housing. In 1981–82, approximately 25 female pages lived in Thompson-Markward Hall, a dormitory-like facility with a curfew and other rules. The Page House Alumni Association housed approximately ten male pages until it closed its doors in August 1981. The rest of the pages resided in groups of two to six in apartments at various places on Capitol Hill, or in housing obtained through a university housing service.

Pages living in apartments, had, in general, no adult supervision and no one easily available in the event of the trouble.

The lack of effective supervision of pages outside of working hours has been sharply criticized for many years. At various times

over the past 15 years, for example, Members of the House have called the House's failure to provide better supervision "unconscionable" and "inconceivable."

D. Origin of allegations

The Special Counsel has found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, overactive teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

In view of this conclusion, another important set of questions emerged in the course of the investigation: How and why did these charges come to be made? What was the source of the rumors of a "page scandal"?

It is clear that during the 1981–82 academic year, some pages behaved irresponsibly after working hours. There is abundant and convincing evidence, in the case of some pages, of excessive use of alcohol, all-night parties, some drug use, and a variety of other activities that no responsible parent would tolerate.

Leroy Williams, at the time a 17-year-old page in the House, left the page program abruptly at the end of January, 1982, when financial and other troubles became too much for him to handle. Events surrounding Williams' departure triggered an investigation by the Capitol Police of page drinking habits and parties, and of Williams' homosexuality. Two pages, unconnected to Williams, were terminated partly as a result of information developed by the Capitol Police investigation. This investigation, Williams' departure and the termination of the other two pages spawned rumors of a "page scandal." Though unreported in the press, these rumors came to the attention of many reporters.

In June, 1982, a CBS news reporter interviewed a 16-year-old page named Jeffrey Opp in Washington, D.C. and Williams in Little Rock, Arkansas. The Special Counsel requested that the reporter speak to investigators in the Special Counsel's office and offered him the opportunity to do so. The reporter declined that invitation.[1] Thus, the only information available about these interviews comes from the sworn testimony of Williams and Opp themselves. According to Opp, the reporter discussed with him lurid tales of sexual misconduct and homosexual prostitution in the Congress. The reporter asked whether Opp could confirm those stories or provide additional information. According to Williams, the reporter said Williams was being identified in Washington as a drug trafficker and "bad apple" who had been the source of the problems with the page system. The reporter told Williams he was offering him a chance to tell his side of the story.

Following these conversations, and on the basis of assurances that their identities would be kept secret, both teenagers agreed to give on-camera interviews with their faces shielded, to the CBS re-

[1] The exchange of correspondence between the Special Counsel and CBS News appears at app. B.

porter. Those interviews yielded lies from Williams. In response to the reporter's questions. Opp twisted minor, at best ambiguous conversations with three Congressmen and one lobbyist and characterized them as "homosexual approaches."

Perhaps the most ironic twist of events was the role played by the CBS news reporter in bringing these charges to life. It appears to have been the reporter's discussion with Opp that inspired Opp to repeat these stories, with his own embellishments, to two of his Congressional sponsor's staffers. These staffers were initially suspicious of the sensational nature of Opp's charges. But, then this same news reporter told the staffers that Opp's charges had substance. It was these staffers who decided Opp should tell his story to the Justice Department. The Department decided to investigate, at least in part because the staff of a Member of Congress considered the allegations to be serious. That Justice Department investigation itself became the "news" to which CBS pegged its June 30 and July 1 Evening News reports, including the shielded interviews of Williams and Opp.

E. Leroy Williams

Leroy Williams attended high school in Little Rock, Arkansas, where he was a "B" student involved in extracurricular activities, and where he belonged to a strict, fundamentalist church.

Williams assumed his duties as a page on June 29, 1981. Throughout the period Williams served as a page, his work was considered satisfactory, although his performance declined toward the end.

It was after working hours that Williams had problems. When the Congress went into its 1981 mid-summer recess, Leroy Williams remained in Washington alone. At this point the 17-year-old Williams first engaged the services of a male prostitute; he used male prostitutes on fifteen different occasions between August and January, 1982, ten of those times during the August Congressional recess.

Williams drank alcohol more and more heavily. By January, 1982, he thought he was "literally an alcoholic." His use of drugs also increased sharply and he got into increasingly severe financial trouble. He failed to pay a large number of bills, wrote bad checks, and stole money.

Under increasing pressure, Williams finally left Washington by taking an automobile belonging to a fellow page.

After he arrived back home in Little Rock in February, 1982 Williams said he heard several reports from Washington that he was a "bad apple" and that he had been distributing illicit drugs. According to Williams, his anger and resentment came to a head in June, 1982, when the CBS news reporter appeared at Williams' home in Little Rock, and repeated these charges. Ten days later, on June 30, 1982, CBS News broadcast excerpts from its reporter's interview of Williams, creating a national sensation about homosexual relations between Congressmen and teenage pages.

Leroy Williams was interviewed by the F.B.I., various news organizations, and the Committee's staff in June and July, 1982. He did not tell the same story each time. But, in the course of these interviews, he claimed that he was propositioned by, and had sexual re-

lations with, three congressmen, and that he arranged male prostitutes for a Senator and two other government employees. Williams also repeated to interviewers other allegations of sexual misconduct by Members and employees of the House which Williams claimed other pages had told him.

On August 26, 1982, Williams was reinterviewed by investigators from the Special Counsel's office, who had spent days documenting many inconsistencies and contradictions in Williams' allegations. Williams admitted to them that he had lied. On Saturday, August 28, 1982, he testified under oath at a deposition before the Chairman and Special Counsel of this Committee that none of the statements he had made about sexual misconduct were true. In subsequent testimony and interviews with the Special Counsel's staff, he also admitted that he did not believe most of the second hand information he had passed on.

The Special Counsel has concluded that there is no evidence to support any of Williams' original charges. In reaching this conclusion, the Special Counsel has not relied solely on Williams' recantation. Rather, the Special Counsel has conducted a detailed investigation of each one of William's allegations. Every bit of independent evidence collected supports the conclusion that Williams' original allegations were false and that he was telling the truth when he testified that he had lied about those charges.

F. Jeffrey Opp

Jeffrey Opp was the second page who appeared, with his identity concealed, on the June 30 CBS News Broadcast. Opp served as a page from January 4, 1982 until June 12, 1982. During the time he was a page, Opp went out of his way to challenge authority and to make people aware of his extreme political views. Not surprisingly, there was substantial tension between Opp and his supervisors in the Doorkeeper's office. He was known as a crusader, "someone who believed his goal in life was to change the system." Pages said Opp had a tendency to "blow things way out of proportion." The impressions of the staff who worked for Congresswoman Schroeder reinforce the view that Opp was prone to exaggeration. One staffer who had provided temporary housing to Opp for his first month in Washington said Opp had a "super-hyper imagination".

Opp's own behavior reflects this tendency. The day after meeting with the televison reporter, Opp told two persons on the staff of his congressional sponsor that he had worked undercover for CBS for two weeks, helping investigate Congressmen involved with male prostitutes. Opp claimed that his apartment had been bugged, and that his roommate was a spy from the Doorkeeper's office. As he later testified, none of these statements were true.

In Opp's broadcast interview, he alluded to "homosexual approaches" that Congressmen had made to him. In interviews with the Federal Bureau of Investigation and this Committee in June and July, Opp described four specific incidents which he described as homosexual approaches. He also reported other allegations of sexual misconduct based on hearsay information.

The Special Counsel has found no evidence to support any of these allegations.

The personal experiences that Opp reported with three Members of Congress and one lobbyist were little more than conversations, each less than two minutes, occurring in public places and involving no improper actions.

Opp's perspective has changed on most of his June allegations. In September, he told one of his friends among the pages that most of his stories had been inspired by the television news reporter who had sought him out three months before. Opp testified at his deposition that his TV interview "was a 16 year old kid satisfying his ego."

Based on a review of Opp's testimony and information provided by others, the Special Counsel has found him to be a highly impressionable teenager, with a tendency to place interpretations on events that appear to have no rational connection to what actually occurred. The Special Counsel found no basis whatsoever to conclude that anything improper occurred in any of the four conversations cited by him as the basis for his allegations about his personal experiences.

The second-hand information provided by Opp has also proved to be unsubstantiated. Much of it was nothing more than teenage gossip. None of it was accurate.

A careful evaluation of information provided by Opp has yielded not a single piece of responsible evidence that improper actions occurred. All the evidence the Special Counsel has developed—including significant changes in Opp's own story—indicates that there is no support for his allegations.

G. Other allegations

During the course of the investigation pursuant to House Resolution 518, the Special Counsel has received a number of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. In some cases investigations are continuing. But the Special Counsel has concluded his investigation of most of the allegations received. Part V-D of this report summarizes the allegations investigated where no evidence was found to support further investigation. No further investigation will be pursued where the allegations concerned persons no longer associated with the House of Representatives.

H. February 1982 page investigation by U.S. Capitol Police

The United States Capitol Police (USCP) conducted a brief investigation into allegations of misconduct involving pages in early February, 1982. The Committee decided that the February investigation should be reviewed to determine whether the Capitol Police had information relevant to the Committee's investigation pursuant to House Resolution 518.

The Special Counsel has reviewed the written records of the USCP investigation, and has interviewed or deposed the following individuals: the Capitol Police detective who carried out the investigation and his superiors; individuals in the offices of the Doorkeeper and the Sergeant-at-Arms; Members of the House and their staffs who received information about the investigation; and pages who were interviewed by the USCP.

Based on the evidence obtained in the course of this investigation, the Special Counsel has found that the Capitol Police investigation was based on allegations of misconduct by pages, and that at no time in the course of the investigation did the police receive any significant allegations of misconduct by anyone else. The Special Counsel has concluded the decision to terminate the investigation was reasonable from the point of view of the Capitol Police.

But there was a serious failure on the part of the House as an institution. The Capitol Police developed information about page misbehavior that required further action. Yet no one took the action that was plainly required—because no one is charged with responsibility for supervising the teenage pages after working hours.

Based on the evidence received in the course of this investigation, the Special Counsel believes that there is an urgent need for the House of Representatives to fix responsibility—formally and in writing—for the supervision of pages after working hours. In the Special Counsel's judgment, the lack of clear responsibility led directly to the failure to address the serious problems of misconduct that developed among the pages in 1981 and 1982. If the House chooses to employ teenage high school pages, establishing a page dormitory and a Page Board are steps in the right direction. But unless responsibility for supervision of teenage pages after working hours is clearly established, the problems that developed in 1981–82 are likely to recur.

II. SCOPE OF INVESTIGATION INVOLVING SEXUAL MISCONDUCT

A. Language and legislative history of House Resolution 518

The Special Counsel has taken the language and legislative history of H. Res. 518 as the guide in determining the proper scope of the investigation involving sexual misconduct.

Section 1 of H. Res. 518 directs the Committee to investigate "alleged improper conduct [1] referred to in this resolution [2] which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies. . . ."

The conduct "referred to in this resolution" is the conduct described in the "Whereas" clause of the resolution, specifically,

> (1) alleged improper or illegal sexual conduct of Members, officers, or employees of the House;
> . . . and
> (3) the offering of preferential treatment by Members, officers, or employees to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1). . .

The discussion of H. Res. 518 on the House floor on July 13, 1982, leaves no doubt that the "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" referred to conduct involving pages.

The resolution was introduced by Chairman Louis Stokes and Ranking Minority Member Floyd Spence on July 13, 1982, in the aftermath of reports of sexual misconduct involving pages. Chairman Stokes explained that, on July 1, he had instructed the staff of

the Committee "to commence a thorough investigation of the allegations as reported by the media at that time." 128 Cong. Rec. H4012 (daily ed. July 13, 1982). He urged passage of the resolution to enable the Committee to "proceed in an orderly fashion in pursuing this investigation." Id.

Representative William Alexander, who spoke in favor of the resolution, referred to "allegations of scandal . . . levied against the Members of Congress as well as the pages who assist them." Id. at H4035. He then quoted from a letter he had received from a former page, stressing the page's hope that "the Congress will take speedy action to restore the honor, dignity, and pride that pages enjoy who have served in the Congress." Id.

Representative Margaret Heckler, who urged the appointment of a special prosecutor to investigate the allegations, stated:

> We are dealing here with entirely new and far more sensitive areas of abuse of power if the allegations are true. I think we have a responsibility *to the young people who are the pages,* to our service in this Congress, and to the people of America, to the parents, to the Congress itself, to deal with the sensitivity of this situation so as to inspire confidence in the integrity of this Congress. Id. at H4036 (emphasis added).

The resolution's reference to conduct "which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies" reinforces the conclusion that the sexual misconduct to be investigated involves congressional pages. In the area of sexual misconduct, the "recent investigation" by the Department of Justice and the Federal Bureau of Investigation concerned allegations about misconduct of House Members and employees involving pages. In addition, the United States Capitol Police had conducted an investigation in February, 1982, which also focused specifically on House pages.

The intended meaning of H. Res. 518 appears clear. The references to "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" are directed at sexual misconduct involving pages. The first phase of the Special Counsel's investigation has, therefore, addressed this subject.

This phase of the investigation focused on the period from July, 1981, to June, 1982,[2] and on allegations made by two former pages that received national press attention beginning on June 30, 1982. To insure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods. In addition, to the extent that the Special Counsel received information about alleged sexual misconduct by House Members, officers or employees involving preferential treatment that did not involve congressional pages, but fell within the literal terms of H. Res. 518, the Special Counsel also investigated such allegations.

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[2] This time period covers the terms of service of virtually all the pages whose employment overlapped with that of the two pages whose allegations were reported in news broadcasts on June 30, 1982 and July 1, 1982.

Finally, H. Res. 518 refers to "Members, officers, or employees" of the House. In keeping with this language and the jurisdiction of the Committee, the scope of the investigation has not extended to allegations concerning former Members, officers, or employees.

B. Definition of sexual misconduct

In recognition of the special situation of congressional pages, the Committee and its Special Counsel have broadly defined "improper sexual conduct" in determining whether particular allegations involving pages should be investigated.

House pages are generally high school juniors and seniors, between 16 and 18 years of age. By statute, they cannot be appointed until their parents or legal guardians have been fully informed of the nature of their work, pay and working conditions, and the housing accommodations available to them.[3]

Congress plainly accepts a considerable responsibility for pages.[4] That responsibility is necessarily shared by every Member, officer and employee of the House. Where preferential treatment is, expressly or implicitly, an element of a sexual relationship between a Member, officer or employee and a page, or an element of a sexual overture or advance directed at a page, the conduct explicitly falls within H. Res. 518. But considering the young age of these pages and the fact that they are away from home and dependent on the House for school, work and money to live on, any sexual advance or relationship of any kind involving a page and a Member, officer or employee potentially entails an element of either preferential treatment or coercion, and hence an abuse of office or position.

The investigation has, therefore, proceeded on the assumption that any sexual relationship, whether homosexual or heterosexual, between a page and a Member, officer or employee, or any sexual harassment, overture or advance directed at a page by a Member, officer or employee, should be investigated as potentially "improper sexual conduct" under H. Res. 518.

C. Allegations involving the Senate

In some instances, the Special Counsel has received information bearing on Members, officers, or employees of the Senate. The Special Counsel has not investigated these matters because the jurisdiction of the Committee runs only to the House. At the direction of the Committee and in accordance with arrangements with Senate Majority Leader Howard Baker, the Special Counsel has referred all such information to the Select Committee on Ethics of the U.S. Senate.

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[3] 2 U.S.C. § 88b-1(a)(2).

[4] On a number of occasions the House has considered discontinuing the use of high school teenagers as pages. For example the Legislative Reorganization Act of 1970, Public Law 91-510, 84 Stat. 1198 (1970), as originally introduced, would have barred the appointment of pages who had not yet completed the twelfth grade of their secondary school education, 116 Congressional Record 32.229 (1970). Among the reasons commonly offered for using older pages is the desirability of minimizing or eliminating Congress's supervisory responsibility for pages. See e.g., Speaker's Commission on Pages, report to the Speaker, 97th Congress, 2d Session 7 (1982); H. Rept. 91-1215, 91st Congress 2d Session 29-30 (1970).

III. HOW THE INVESTIGATION WAS CONDUCTED

A. Appointment of the Special Counsel and staffing of the Special Counsel's Office

Shortly after Chairman Stokes and Ranking Minority Member Spence announced the appointment of Joseph A. Califano, Jr. as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518, Mr. Califano assembled the staff of the Special Counsel's office. In staffing the office, as throughout the investigation, the pledges of independence were unequivocably supported by the Democratic and Republican House leadership.

Mr. Califano appointed Richard Cotton as Deputy Special Counsel, Hamilton P. Fox, III, as Associate Special Counsel, and Gerald McQueen as Chief Investigator. Mr. Cotton, a partner in Mr. Califano's law firm, had just completed a six-month internal investigation for an international labor union. Mr. Fox had served as a federal prosecutor for six and a half years, as an Assistant U.S. Attorney, Deputy Chief of the Justice Department's organized crime section, and a member of the Watergate Special Prosecution Force. Mr. McQueen, a New York City homicide detective with 23 years' experience, had won national recognition as the commander of an elite detective squad assigned to solve Manhattan's most difficult homicide cases.

The staff of the Special Counsel's office has averaged nine lawyers, seven investigators, three researchers and six clerical employees.

B. Characteristics of the investigation.

Since July 27, 1982, the Special Council's office has attempted to investigate every specific allegation [5] that has come to its attention concerning the subject matter of H. Res. 518. In addition, the office has mounted wide-ranging efforts to contact individuals who might have information bearing on the subject matter of the investigation.

Attorneys and investigators on the Special Counsel's staff have carefully examined and followed up hundreds of leads, allegations and rumors. They have interviewed more than 150 individuals, many more than once, and conducted more than 50 despositions. They have travelled some 40,000 miles to interview witnesses in 40 cities. Forty-five subpoenas have been issued: 31 to compel oral testimony, 14 to compel production of documents. In addition, the office has made numerous requests to such agencies as the FBI, the United States Capitol Police and the Metropolitan Police and to the broadcast media for materials which were voluntarily produced. Where necessary to follow up on specific allegations, investigators have reviewed financial and telephone records.

While it was essential to investigate each one of the specific allegations that prompted the passage of H. Res. 518, the Special Counsel decided that the mandate of H. Res. 518 required the Committee to seek out information that might bear on the subject matter of the investigation from all available sources. The Special Counsel

[5] Some allegations concerned events so far in the past or were so vague that investigation was not practicable.

initiated a number of separate inquiries to carry out this obligation.

First, lawyers and investigators interviewed more than 75 pages who had recently served in the House, and personnel in the Doorkeeper's office whose duties include supervision or direction of pages.

Second, the Special Counsel sent a letter requesting any information bearing on the subject matter under investigation to each of 516 former pages who had not already been contacted in person. These individuals served in the House of Representatives from September, 1979, through August, 1982. The text of this letter is reproduced in Appendix B to this report. Eighty-nine pages responded; 71 responded in writing, an additional 18 by telephone. Most said they had no information, but 11 responses contained relevant information or allegations of misconduct that required further investigation.

Third, the Special Counsel requested and obtained from the Capitol Police all documents and records for the years 1977 through 1982 that contained information bearing on the subject matter under investigation.

Fourth, the Special Counsel made similar requests of the Doorkeeper of the House of Representatives, whose office is in charge of the page system, and of the Sergeant-at-Arms of the House of Representatives, who, together with the Sergeant-at-Arms of the Senate and the Architect of the Capitol, directs the Capitol Police.

Fifth, lawyers and investigators interviewed current and former teachers at the Capitol Page School concerning their knowledge of the subjects under investigation. Investigators also reviewed files of individual pages at the Capitol Page School and interviewed teachers from other educational institutions who had had contact with pages in seminars and special classes.

Sixth, the Special Counsel's office examined a comprehensive compiliation of press reports on the subject matter of H. Res. 518 and viewed videotapes of television news reports to identify specific allegations that merited investigation.

C. Relationship with the Department of Justice

From June through August, 1982, the Department of Justice investigated allegations of sexual misconduct by Members of Congress and their staff. On August 31, 1982, the Department announced that it had closed that investigation because, as a Department spokesman stated, "there is insufficient evidence to warrant a Federal prosecution or further investigation."

On behalf of the Committee, the Special Counsel requested that the Attorney General make available to the Committee and its Special Counsel all written materials developed by the FBI in carrying out this investigation. On September 29, 1982, the Public Integrity Section of the Justice Department transmitted to the Special Counsel 244 documents, consisting primarily of summaries of interviews carried out by FBI agents in the course of this investigation. The names of certain witnesses who had requested confidentiality were deleted. The Justice Department informed the Committee that, with this exception, it had provided all the evidence collected.

D. Limits on the investigation

Any investigation of "improper or illegal sexual conduct" poses difficult obstacles and delicate problems. The Special Counsel's office has had to depend in large measure on interviews and depositions under oath to investigate these matters. Developing evidence depends on the willingness of individuals to come forward and to respond honestly to investigator's questions.

The investigation that has been conducted has, in the judgment of the Special Counsel, been as thorough as is reasonably possible. In an area involving such intimate conduct, such human sensitivity and so many individuals, it will never be possible to declare with certainty that every instance of what every citizen would consider "improper sexual conduct" has been detected. But the Committee, the House and the American people can be assured that every effort was made to contact individuals who might have relevant information. Every allegation put forward has been and will be pursued to the point where the Special Counsel concludes that there is no basis for it in fact, or that a preliminary inquiry is justified.

This has not been an inexpensive or pleasant task. It has taken much time, persistence, and patience on the part of Members of this Committee and attorneys and investigators in the Special Counsel's office, and the support of bipartisan House leadership and the Committee on Standards of Official Conduct. for many young Americans, a good number still teenagers, this investigation has been a difficult experience. But it has taken this kind of inquiry to provide the American people the assurance that the House of Representatives has the institutional stamina and courage to investigate its Members, officers, and employees searchingly and thoroughly.

IV. BACKGROUND: THE PAGE SYSTEM OF THE HOUSE OF REPRESENTATIVES

Because this investigation focused on pages and their relationships with Members, officers and employees of the House, it is essential to begin with an understanding of the page system. The House has relied on teenage pages as messengers since the early 1800's, and the system has survived many debates about its desirability, including the most recent review conducted this past summer by the Speaker's Commission on Pages. The key features of the page system—the selection process, the duties of pages, and the extent to which they are supervised—are described briefly below.

A. Selection process and qualifications

During 1981-82, the House maintained 71 positions for House pages. Most page appointments run for six months or a year, although some appointments—typically in the summer—are for periods of two months or less.

Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees from the candidates nominated. At the time of appointment, they must be high school juniors or seniors, at least 16 but not more than 18 years of age. The Republican Personnel Committee requires that pages have

had at least a "B" scholastic average in their home town high school; the Democratic Committee requires at least a "C" average.

Any Democratic Member of Congress may submit a recommendation to the Committee on Democratic Personnel requesting than an individual be appointed as a Democratic page. Typically, these recommendations provide the Committee with some information about the candidate, but the Committee has no application form and requires no specific information other than a birth certificate. The nominations are not considered on any particular date. The Committee's staff accumulates nominations until approximately ten are pending. These nominations, ranked according to the seniority of the Member making the nomination, are then submitted to the Committee Chairman, who makes the selections. The Committee conducts no independent check of a page's qualifications. The sponsoring Member is responsible for screening applicants and establishing that they meet the age, school year, and academic criteria.

The Committee on Republican Personnel has a printed application form, which requires a school transcript, an essay on why the applicant wants to be a page, a statement of extracurricular activities, and letters of recommendation. The Committee also requests that the Member personally interview the applicant and requires that sponsoring Members return the application materials by April 1 of each year. Information on each candidate is summarized by the Committee's staff, and page selection is made by Committee vote. In selecting pages, the Committee gives preference to Members who have not previously sponsored a page.

Neither Committee has established a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

B. Duties of House pages

Pages do not work for the individual Members of Congress who sponsor them. They receive direction from the staff of the Doorkeeper of the House, and work out of a central location just off the House floor.

Pages never become involved in the substantive give-and-take of the legislative process. Their duties are exclusively those of clerical workers and messengers. They are generally assigned to the House floor, to the Democratic or Republican Cloakroom, or to positions as "running" pages. A page assigned to the House floor carries messages to and from Members and assists in assembling and distributing legislative materials on the floor. A page assigned to the Democratic or Republican Cloakroom answers telephones, carries messages to Members, and performs chores requested by Members while they are in the Cloakroom. "Running" pages deliver materials to congressional offices and to Members on the floor. Several pages serve as documentarians, processing Hosue documents and operating the system of bells that call Members for votes. One is assigned as the Speaker's page.

The daily schedule of all pages, regardless of their assignment, is demanding. All are required to attend the Capitol Page School. Those enrolled for credit must maintain a "C" average; the rest are required to bring assignments from their home school and observe supervised study hours. Classes at the Capitol Page School begin at

6:10 a.m. and, on days when the House convenes at noon, typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5:00 p.m. or until the House adjourns for the day, whichever is later.

C. Supervision of pages

(1) Working hours

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. The four to six pages working in the Democratic Cloakroom and the similar number working in the Republican Cloakroom report to the respective Managers of the Cloakrooms. The Democratic and Republican floor pages report, respectively, to the Majority and Minority Chief Pages, who are adult supervisors employed by the Doorkeeper of the House. The "running" pages, who are also supervised by the Majority and Minority Chief Pages, have intermediate supervisors drawn from the ranks of the pages themselves. These page "overseers" answer the telephones to receive requests for messenger service and then make assignments to "running" pages.

While the Doorkeeper of the House has overall responsibility for the pages, the Deputy Doorkeeper exercises disciplinary authority and receives reports from the two Cloakroom Managers and the two Chief Pages.

(2) Nonworking hours

Outside of working hours, no one has responsibility for supervision. In fact, the Handbook issued by the Doorkeeper specifically asserts that it is a condition of appointment that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

No individual in the Doorkeeper's office is formally responsible for counseling pages on problems outside of work or for seeing that they stay out of trouble. Some individuals in the Doorkeeper's Office show a good deal of concern for the pages' well-being, especially when it becomes apparent that a page is in some kind of difficulty.

The salary of teenage House pages—approximately $700 every month—represents far more money than most of them have previously had to manage.

Pages are responsible for finding their own housing. In 1981–82, pages generally resided in groups ranging from two to six in apartments located at various places on Capitol Hill, or in housing obtained through a university housing service. Apartments are frequently passed on from one page to another. Pages living in apartments had, in general, no adult supervision and no one easily available in the event of trouble.

Approximately 25 female pages lived in Thompson-Markward Hall, referred to by the pages as the "Y" because it is a dormitory-like facility with relatively strict curfew and other rules. The Page House Alumni Association, a non-profit organization created through the efforts of an employee of the Doorkeeper's office, provided dormitory-style housing for about ten male pages until August of last year.

Committee investigators interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious alcohol, drug or other problems with pages who had been their tenants. One, however, complained about excessive drinking and loud and boisterous parties.

The lack of effective supervision of pages after working hours has been sharply criticized for many years. Members of Congress have frequently called attention to the problem. In 1969, for example, Representative Andrews of North Dakota noted:

> It is unconscionable for Congress to bring these boys to the Washington metropolitan area and put them in some catch-as-catch-can accommodations where they lack supervision and decent quarters. If we are going to have high school boys working for the Congress they should have adequate quarters and proper supervision." Hearings before the Legislative Branch Subcommittee of the Committee on Appropriations, 91st Cong., 1st Sess. 497 (1969).

In 1970, Representative Green of Oregon stated:

> It is inconceivable to me that this situation has been allowed to continue. * * * We bring youngsters—oftentimes from rural areas—turn them loose in a metropolitan area with more money than they have ever before had in their pockets and with absolutely no supervision in off hours. * * * [I]t is incumbent upon us to provide these facilities in terms of housing and also in terms of classrooms. They find their own rooms in rooming houses or in tourist homes. I repeat—they have no supervision at all in their spare time. There is absolutely no one who is looking after their nutrition, their meals. 116 Cong. Rec. 32278 (1970).

Testifying this past summer before the House Subcommittee on Legislative Branch Appropriations, the Doorkeeper of the House stated:

> They [the pages] are wards of the Congress. Once we bring them here, we have to assume some responsibility. We have already had some incidents. * * * It is a very serious problem. Hearings on Legislative Branch Appropriations before Subcommittee on Legislative Branch Appropriations of the House Committee on Appropriations, 97th Cong., 2nd Sess., pt. 2 at 49 (1982).

Because of concern over the absence of effective supervision, Congress has on a number of occasions considered discontinuing the use of high school age pages.

V. RESULTS OF INVESTIGATION

The publicity given to the allegations made by Williams and Opp gave new life to every rumor and piece of gossip any page had ever heard. Once the House commissioned an investigation of sexual misconduct involving pages, any allegation repeated seriously by a page had to be investigated. Investigators have reconstructed conversations and rumors that were born in a milieu of teenage gossip and braggidocio. Investigators have time after time tracked a story from one page to another and finally to its source. In most instances, these allegations have proved without foundation—the result of a teenager trying to sound experienced, or the result of a drunken story invented on the spur of the moment at a party. Hundreds of hours of investigation have been required to reach these conclusions, and the results are set out below.

Not all of the allegations of sexual misconduct received by the Special Counsel have yet been fully investigated, however. In one case, the Special Counsel has recommended that a Preliminary Inquiry be initiated by the Committee, and the investigation of this case is continuing. The Special Counsel also continues to investigate a limited number of other allegations of sexual misconduct. No details will be provided at this time on any of the matters still under investigation.

This section discusses, first, the origins of the rumors about a "page scandal," and the events leading up to the charges made by Williams and Opp. The second and third parts of this section then examine in detail the allegations made by Williams and Opp, the investigation of these allegations, and the basis for the findings and conclusions reached by the Committee's Special Counsel.

Finally, the fourth part of this section briefly reviews a variety of other allegations of sexual misconduct received by the Special Counsel and his findings and conclusions concerning them

A. The origin of the allegations

(1) The 1981-82 year: The extent of alcohol use, drug use, and other misbehavior among pages

(a) Overview.—The Committee's investigation has found evidence of serious misbehavior by at least some of the pages during nonworking hours over the 1981-82 year. These problems mirror those found elsewhere in the nation—alcohol abuse, drug abuse, late-night parties—but they were intensified by the complete freedom teenage pages enjoyed and the lack of any supervision after work.

Information provided to the Special Counsel indicates that many House pages routinely drank alcoholic beverages during the 1981-82 year, and many got drunk at large parties that occurred almost weekly. A lesser but still significant number of pages drank excessively at smaller gatherings that occurred two or three times a week. A small number of pages also used drugs—caffeine pills, marijuana, and, in at least some instances, cocaine. Some pages used amyl nitrate, an over-the-counter substance inhaled through

the nose. Information obtained by the Special Counsel indicates that alcohol abuse was far more prevalent than the use of other drugs. For example, pages often described the extent of marijuana use to Committee investigators as no more, and some said it was less, than they had witnessed at their home high schools.

Individual experience differed markedly. Pages tended to form small cliques, and a page's experience outside of work depended on his or her clique. The information provided to the Special Counsel suggests that the pages feel roughly into three groups. One group, generally those who lived in the supervised housing, abstained almost entirely from use of alcohol and other drugs. A second group, the largest numerically, tended to follow a middle path: They consumed alcoholic beverages (primarily beer) on occasion, and some in this group, particularly at parties, did drink to excess. This group experimented little with drugs. Finally, a third group—pages who lived in apartments and who saw themselves as more "mature" and independent—had the least disciplined life style. They attended more parties, drank a great deal, and were far more likely to use drugs.

(b) Alcohol abuse by pages.—The major drug problem that the pages themselves perceived was alcohol. Virtually every page interviewed on the subject stated that alcohol was easily available to underage pages from certain restaurants, bars, and liquor stores in the Capitol Hill areas of Washington.

The Special Counsel received information that pages generally consumed alcohol in three different circumstances: at lunchtime, at small informal gatherings at night, or at larger parties given by and attended by pages.

Pages generally ate lunch in the government cafeterias on Capitol Hill. On occasion, however, pages would journey a few blocks to several restaurants on Pennsylvania Avenue and elsewhere in the area of the Capitol. The Special Counsel received varied testimony and information as to how frequently pages went to restaurants at lunch time. One page testified that some pages went out often and would frequently get drunk at lunchtime. Another testified that one page had been sent home after lunch for being drunk. Two pages testified that they ate at the Pennsylvania Avenue restaurants a maximum of three to four times during the year, drank beer, but never got intoxicated. Another page discounted the stories of drinking at lunch as teenage boasting.

Pages engaged in different activities after working hours. Some reported that they had little social life; they simply returned to their living quarters, ate dinner, did homework, and went to bed early, because they had to arise at five a.m. each weekday. Others led more active social lives. For example, a group of five or six pages—of whom Leroy Williams was one—would gather at one another's rooms two or three evenings a week. At such gatherings, beer was the standard drink and hard liquor was often available. These gatherings sometimes became all-night sessions—with pages "passing out," sleeping in their clothes until it was time to go to class.

During the 1981–82 year, pages also attended a number of larger parties. Estimates on the frequency of these parties have ranged from once a week to once a month. The variations in these esti-

mates can be attributed to the frequency with which individual pages heard of or attended parties, and to differences in defining what constituted a "party," as distinguished from a more informal get-together. Nonetheless, large parties apparently occurred with some frequency. Alcoholic beverages were available at these parties, including hard liquor as well as beer. A good deal of drinking took place at these parties, and it was not uncommon for pages to become intoxicated.

For example, one page testified that at "every party that I attended" alcohol was consumed, and that pages got drunk at "most" page parties the page had attended. Two other pages testified about parties at which they might have had so much to drink that they could not remember conversations or events that took place at the party. Another testified the pattern changed during the course of the year:

> I think pages abused that privilege of being on their own, so they drank when they first got there. But after the first few months some maintained drinking but some just dropped it and thought it was rediculous, a waste of time, you know, do it every now and then. But the way they first came, it was like every single night, school nights and everything.

Several parties stood out in the minds of individual pages because of specific events. Pages recalled one party where a fight broke out between a page and two non-pages; another where Leroy Williams was so drunk he fell and cut himself badly; one where a female page developed a nose bleed as a result of inhaling something; a fourth which was a "going-away" party for Leroy Williams; a year-end party where both alcohol and marijuana were available to pages.

In summary, alcohol use was extensive among pages during the 1981–82 year, and among some groups of pages and individuals it was seriously out of hand.

(c) Drug abuse by pages.—The Special Council has not completed the investigation of allegations concerning illicit use or distribution of drugs by Members, officers, or employees of the House. This report does not set forth any specific findings concerning such use or distribution. But it would be incomplete and misleading to address the sexual allegations involving pages without providing as background a description of the general sense obtained to date of drug use among the pages during 1981–82. Since these matters are still the subject of an active investigation by the Special Counsel and the Department of Justice, the summary presented here must necessarily be both partial and general.

The information gathered by the Special Counsel to date indicates that there was drug use by some pages during 1981–82. This drug use fell into four categories:

> First, some pages used high dosage caffeine pills, amphetamines, or diet pills normally available only by prescription. Often these pills were used to keep awake during school and working hours.

Second, some pages used amly nitrate, a substance known colloquially by a variety of names: "poppers," "rush," or "locker room." This substance comes in hard capsules which are broken open to allow the substance to be sniffed and gives the user a "rush." It is reputedly used to enhance sexual performance. This substance is available over the counter.

Third, some pages smoked marijuana. The information obtained to date is not sufficient to determine the extent of marijuana used among the pages. But pages have said that it was used occasionally by some pages and that marijuana was smoked by a few pages at parties.

Fourth, the evidence received to date indicates that four pages may have used cocaine on a few occasions, although there is conflicting evidence on whether all four used it and, if so, how often. The information obtained to date is also not sufficient to reach a firm conclusion at this time about the extent of cocaine use among pages.

The evidence the Special Counsel has received, therefore, indicates that illegal drugs were used by some pages during 1981–82. No use of drugs by teenagers can be viewed as anything other than a grave and serious matter. But the evidence received to date indicates that the majority of pages did not use drugs during 1981–82.

(2) Events of January to June, 1982

(a) Leroy Williams' departure from Washington, D.C.—The departure of Leroy Williams from Washington, D.C. is the event that brought attention to the activities of some pages. Williams had arrived as a page in June, 1981. He had been promoted to the position of page overseer in July, 1981. To all outward appearances he was doing well throughout the Fall of 1981. To the other pages, Williams appeared to have a lot of money, dressed well, and moved with a group of pages that partied and drank a lot.

On Friday, January 29, 1982, Williams turned his books in to the Secretary of the Capitol Page School. That night there was a farewell party for him. He left Washington that weekend.

Williams' departure might have been both the beginning and the end of the story were it not for Williams' landlady. She had been in regular contact with Williams' supervisor in the Doorkeeper's office, seeking assistance in collecting back rent. The Tuesday after Williams' departure, she reported to his supervisor that Williams had left behind some things in his room, including someone else's wallet. The supervisor informed her that the owner of the wallet was a page who had reported her wallet missing from the House Republican Cloakroom about two weeks earlier.

Based on this information, the landlady contacted the Capitol Police.

(b) The Grossi investigation.—When the page's wallet had first been reported missing, the Capitol Police had assigned the matter to Sgt. John Grossi of the Criminal Investigation Division. On February 2, 1982, Williams' landlady met with Grossi and gave him the missing wallet. She informed Grossi that she had found the wallet when she was cleaning out the room of Leroy Williams.

Williams' landlady also told Grossi, that she had information concerning misconduct by pages. Grossi testifed that she said that there had been "wild parties" at Williams' apartment and that "quite an amount of liquor and beer had been consumed." She reported receiving many complaints of loud all-night parties and broken liquor bottles in the trash area of the apartment building.

Finally, the landlady told Grossi about "pornographic material" which she found in Williams' room. According to Grossi, she said that she had found "a particular type of magazine that lists homosexuals and . . . how you can get in touch with them."

During the next nine days, from February 2 to February 11, 1982, Grossi investigated not just the page's stolen wallet, but general misconduct of pages, including possible page involvement in homosexual activities.

Grossi interviewed eight pages. Both his recollection and his contemporaneous written reports indicate that the pages he interviewed confirmed that parties had occurred at which pages drank heavily. Grossi pressed for details in his interviews about the use of alcohol and the use of drugs among pages. He questioned the pages about Williams' homosexuality, about homosexuality among other pages, and about sexual activity between pages and "non-page adult." According to Grossi's recollections, he did not ask questions about sexual activity involving either Members of Congress or congressional staff. He testified he had no reason to ask these questions because he had received no information suggesting such involvement. Nonetheless, it appears that at least two of the pages whom he interviewed interpreted his questions to mean that he was asking about Members of Congress and about congressional staff.

Grossi's reports list eight pages as directly or indirectly involved in loud parties, excessive drinking, forays to the Fourteenth Street "red light" district allegedly in search of prostitutes, or use of amyl nitrate. Grossi testified several pages told him that "the problem would no longer be a problem . . . if they just got rid of a certain group that was causing these problems."

In the course of his investigation, Grossi provided his written reports to Benjamin Guthrie, the Sergeant-at-Arms of the House. Guthrie provided information and copies of the reports to James Molloy, Doorkeeper of the House. Molloy in turn discussed these matters with several of his subordinates, at least some of whom also read Grossi's reports.

In a February 11, 1982 meeting, Guthrie directed Grossi to close his investigation.[6]

(c) Actions following Grossi investigation.—Based on the information that Grossi developed, three actions occurred:

1. Two pages were terminated—technically on the grounds that they had grades below a C average at the page school.

2. Doorkeeper Molloy informed sponsors of pages mentioned in Grossi's report that their pages' names had come up in the investigation.

3. Certain individual pages were reprimanded, and all pages were cautioned about their personal behavior.

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[6] A further discussion of the Capitol Police investigation appears in Appendix A.

Page terminations: One page reported by Grossi as a source of problems—Williams—had already left Washington. Molloy removed him from the page rolls to reflect administratively what had already occurred in fact.

During the Grossi investigation, Molloy discovered that two of the pages named in Grossi's reports had just then received midterm grades which fell below a C average. These two pages had come to his attention as poor workers in the past. He decided to terminate these two pages. To avoid giving them a bad record, Molloy justified the termination entirely on the basis of their grades. Molloy's recollection is that he simply informed the sponsoring Members that the pages were being sent home.[7]

Molloy discussed another page identified by Grossi as a troublemaker with the page's immediate supervisor, and with the sponsoring Member. The supervisor reported to Molloy that the page in question was a hard worker and carried out his duties well. Molloy testified that the page's sponsor argued against the page being sent home on a number of grounds. Based on these conversations, Molloy decided not to terminate this page. But he asked the supervisor to have a tough conversation with the page and give him a strong warning that, if any further reports of misbehavior were received, he would be terminated.

Notification to Members: Guthrie and Molloy testified that they had one conversation with the Speaker of the House about the Capitol Police investigation shortly after the investigation began. The Speaker asked Molloy to notify the congressional sponsors of pages whose behaviour was under investigation. Molloy made a round of visits and telephone calls to carry out this instruction. In some circumstances, he could not reach the Member personally, and in some of those instances he provided the information to the Members' staff.

General followup by Doorkeeper's Office: About the middle of February, the Deputy in the Doorkeeper's Office, Jack Russ, convened a meeting of all pages. Russ covered a number of topics at this meeting. He included a strong warning to all pages against bouncing checks, drinking alcohol, or giving or attending wild parties. He alluded to the departure of several pages, with the implicaton that he hoped that there would be no further problems. Either at this meeting or at other times, pages received the clear impression that the Doorkeeper's Office did not want them to discuss these matters with the press.

(d) Rumors of a "page scandal" and press followup.—By mid-February, 1982 many people knew of the Capitol Police investigation and the existence of some page problems. The pages themselves were very much aware of the inquiry. The eight pages whom Grossi interviewed and the several additional pages named in his report were acutely interested in what the Capitol Police were finding. The nature of some of Grossi's questions to the pages inevitably had fueled speculation. Rumors abounded as interviewed pages

[7] Staff members of the sponsoring Members recall that Molloy mentioned that the pages being dismissed had been named in an investigation. But staff of one of the Congressional sponsors believed that it was the sponsoring Member, and not Molloy, who decided to send the page home on the basis of bad grades. The sponsor of the other page recalls discussing with Molloy several reasons for his page's dismissal, including poor grades.

read additional implications into Grossi's questions and speculated with others on what lay behind those questions. One page testified that another who had been interviewed speculated that Grossi thought Williams was a homosexual liaison for Members of Congress.

Some pages may have had a motivation to spread these rumors. Pages whose conduct was under scrutiny were not happy about the investigation or Molloy's complaints to their sponsors. The Special Counsel received evidence that some pages may, out of anger, have spread, or threatened to spread, malicious stories about Members of the House.[8] An aide to Representative Patricia Schroeder, who sponsored Opp, recalls that Opp telephoned him one night in February from a page party, and told him that if the pages were going to be criticized they would take a few Members of Congress with them. A congressional staff person called the staff of the House Committee on Standards of Official Conduct on February 11 to report the rumor—along with a host of inaccurate details—that Williams had been a homosexual pimp for Members of Congress. When traced to its source by investigators for the Special Counsel, the source turned out to be Opp.

Beyond the pages, some sponsoring Members, the staff of some of those Members, and at least four or five staff members in the Doorkeeper's Office knew not only of the investigation but also of some details. In all, at least 20 to 30 people, probably more, knew something about the problems that had been discovered with the pages. Capitol Hill was described by one witness in his deposition as "the rumor capitol of the world." In this environment, it did not take long for news of the page investigation to travel.

The rumors quickly reached reporters. On February 11, 1982, the very day the Capitol Police closed their investigation, a reporter from the Washington Post called the Committee on Standards of Official Conduct and asked if the Committee was investigating improper activity involving House pages. At the same time, a reporter from Independent News Network made a number of calls and sought to interview pages. No stories appeared in the press during February, 1982, but rumors envisioning a scandal far beyond the facts continued to circulate in the Capitol.

(e) Intervening developments.—No further significant developments involving pages occurred during the months of March, April and May.

Two important events did occur, however, although their significance was not appreciated until later. On March 18, 1982, the Arlington Police Department raided a male modeling agency that the police alleged was a front for a homosexual prostitution outcall business. The D.C. and Arlington Police confiscated extensive business records which included the names, addresses, and telephone numbers of hundreds of customers. These records also included detailed accounts of the dates, times, and names of both customer and prostitute for nearly every liaison. At the time of the raid, no

[8] One of the terminated pages reacted angrily to his termination. This page told other pages that he was going to contact the Washington Post and expose the widespreadd favortism on Capitol Hill. This page testified that he never followed through on this threat. But many pages reported as fact to Committee investigators that this page had gone to the House Press Gallery and denounced his sponsor.

one recognized that Friendly Models was the organization whose directory was found in Leroy Williams' room by his landlady in February, 1982.

One month later, on April 19, 1982, in a wholly unrelated investigation, the D.C. Metropolitan Police arrested three individuals for allegedly selling cocaine to an undercover police officer. One of the individuals arrested was a former page, and another was a former congressional staff member. The arrests do not appear to have made news at the time they occurred. But in mid-June both the Washington Post and the local Washington television affiliate of CBS, WDM, ran stories reporting that one of the arrested individuals had begun cooperating with authorities. They charged that a network of Congressional aides such as tour guides, pages, and staff of the House Doorkeeper was distributing drugs on Capitol Hill.

(f) CBS news reporter.—Sometime in late May or early June, a CBS television reporter began contacting pages in the House seeking information about improper activities on the part of Members of Congress.[9] On June 9, 1982, Jeffrey Opp, then a sixteen-year-old House page, received a telephone call at his apartment in Washington, D.C. The caller did not identify himself, but, according to Opp, said he had an invitation for Opp and needed Opp's address. Opp provided his address to the caller. Opp testified that within five minutes a visitor knocked on his door and introduced himself as a CBS news reporter.

According to Opp, the reporter said he had been investigating homosexual activities of Members of Congress for some time. Opp testified under oath that the reporter asked him about a ring of 25 to 50 homosexual Congressmen and about an employee of the Doorkeeper's office who allegedly procured pages for them. Opp testified that the reporter claimed to have talked to homosexual prostitutes who told him that some Members of Congress frequented the "red light" district in Washington. Opp told the FBI and testified in his deposition that the reporter named Congressmen in his discussion of these allegations. According to Opp, the allegations discussed by the reporter were that one Congressman liked eight-year-olds, a second Congressman frequented the homosexual areas of Fourteenth Street, a third was "after little kids," a fourth was involved in homosexual activities, and a fifth was "an avid coke fiend."

According to Opp, the reporter said that he had heard that Opp knew a lot and was not an "air head." By Opp's account, he felt flattered by the reporter's attention and therefore spent some time talking to him.

Immediately after this conversation with the reporter, Opp had conversations with at least two other pages. He talked about homosexual approaches he said he had personally experienced and he also began repeating some of the stories that the reporter had told him.

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[9] The reporter declined to be interviewed by representatives from the Special Counsel's office, so that this account draws on information provided by people to whom the reporter spoke. In addition to the formal exchange of correspondence between the Special Council and the CBS attorney, there were several conversations between the Associate Special Council and the CBS attorney to provide the reporter an opportunity to comment on sworn testimony about him and to obtain any information of improper activities he had.

On June 10, 1982, the day after Opp's discussion with the reporter, Opp went to see two staff aides in the office of Opp's sponsor, Representative Schroeder. He told them about a homosexual prostitution ring and drug use involving pages, Members of Congress and others They asked him how he knew this, and he said he had been working undercover for the prior two weeks contacting young homosexual prostitutes in a section of New York Avenue (part of the Washington "red light" district) to assist a CBS news in investigation. Opp claimed that an electronic "bug" had been placed in his room, that his new roommate was a "plant" placed to spy on him by the House Doorkeeper, and that people were watching his house. According to all three individuals involved, this conversation was tense; Opp was agitated and angry.

The two staff members were concerned about Opp's charges, and angry at the idea that a news organization would use a 16-year-old House page to assist in investigating a homosexual ring in the New York Avenue area. They contacted officials at the Department of Justice, and telephoned the CBS reporter to complain. The reporter said he could not talk on the phone, and arranged to meet them on the Mall in front of the East wing of the National Gallery of Art. The reporter arrived with another CBS employee. The Schroeder aides recall that his manner was very secretive. He said he had learned of a widespread homosexual ring among high-ranking government officials. He said he had been investigating this ring for some time, and it was a major scandal. In a sworn statement, one of the Schroeder aides recalls that at this point in the conversation, the reporter—

> Even drew a scheme on a piece of paper which had the Capitol at the center and included lines to the Pentagon, the Department of Justice, State, and GAO. He emphatically asserted that he had solid information that there was a widespread, organized homosexual ring among executive branch employees, including the agencies he drew, [M]embers of [C]ongress, lobbyists, and Capitol employees, and the favors were being traded for sex, including page promotions and extensions.

The Schroeder staff members told the reporter that Opp said he had been used undercover for two weeks on New York Avenue as part of CBS's investigation. The reporter denied that Opp had done any work for him, and said that in fact, he had only talked to Opp the day before, June 9. The reporter said that he had discussed the names of some Congressmen with Opp to get Opp's view of them. The reporter said that he included in the list of names discussed with Opp some "dead-fish" Congressmen whom the reporter did not believe to be involved in improper conduct, in order to test Opp's reliability. Opp had not claimed to have any knowledge about these people, which in the reporter's judgment enhanced the credibility of Opp's comments about others.

Following this meeting with the reporter, the Schroeder aides interviewed Opp again. This interview occurred on Friday, June 11, 1982. Opp admitted that he exaggerated in the first meeting. He admitted that he had made up the story about finding a "bug" as well as the part about interviewing male prostitutes to assist CBS

News. He also admitted he had no evidence that his roommate was a spy, planted by the Doorkeeper's office. But he stuck to the rest of the story.

That same day the aides made arrangements of Opp to meet with Department of Justice Officials on Monday, June 14, 1982. Also on June 11, however, the reporter called Opp, and Opp agreed to give an interview on camera, with lighting and effects to shield his identity. This interview took place at CBS studios in Washington on the next day, Saturday, June 12, although it was not aired until June 30.

On June 14, 1982, Opp and his father met with attorneys from the Public Integrity Section for two hours. The Justice Department then initiated its investigation.

The CBS reporter later asked one of the Schroeder staff members about the details of the meeting at Justice and requested a description of the agents who attended. That staffer recalls that on at least one occasion between June 10 and June 15, he told the reporter:

> If you are basing your story on Opp's word, you are skating on thin ice. He may know something but he is not reliable, and a good deal of what he told us about this, along with some other unrelated items, turned out not to be true. For example, Opp had told me on/about May 1982 he had been admitted to Georgetown University and it turned out he was only a junior in high school and was not admitted to any university.

But Schroeder's staffer said the reporter responded that his story would not be based simply on Opp's allegations, that he had several witnesses and that Opp corroborated what he already had from other sources.

During June, the reporter also contacted Leroy Williams in Arkansas. On Saturday, June 21, 1982, he appeared unannounced at Williams' home in Little Rock. According to Williams' sworn testimony, the reporter said that the Doorkeeper's office had told the press that three pages including him had created problems, these pages had been dismissed, and that action cleared up the problem. The reporter also said to Williams that Opp had told the Justice Department that Williams was involved in homosexual activity as well as in drug trafficking. The reporter said that he believed the Doorkeeper's office was not being fair to Williams and that he wanted to give Williams an opportunity to present his side.

Williams testified that he was upset to hear that the Doorkeeper's office was blaming him for problems of the page system, and that Opp had charged him with trafficking in narcotics. He saw the television reporter as an opportunity to respond to these charges. The reporter assured Williams that he would not reveal his identity, even in discussion with other witnesses information provided by Williams. The reporter promised Williams that he would not reveal the names of any people with whom Williams was sexually involved.

After having been given these assurances of confidentiality, Williams met with the reporter on Sunday, June 22, for about an hour. During that time the reporter interviewed him and tape-recorded

the interview. On the following day, Monday, June 23, Williams, his face backlighted and hidden in deep shadows, gave the reporter an on-camera interview and alleged that he had had homosexual relations with three Congressmen and with Congressional staff.

On June 30 and July 1, CBS broadcast its interviews with Opp and Williams, and the Congress and the nation were introduced to the "page scandal." Thirteen days later, the House adopted to H. Res. 518, initiating this investigation.

(3) Summary

It is the conclusion of the Special Counsel that the rumors that sparked the intitial press interest and press investigation of a "page scandal" on Capitol Hill had their origins in the events surrounding the departure of three pages from the page program in late January and early February of 1982.

These events included a brief investigation by Sgt. John Grossi of the Capitol Police Department. The issues raised by this investigation were unquestionably serious. They involved excessive drinking by young pages whose welfare was in large measure the responsibility of the House of Representatives. In addition, there were allegations that pages were involved in the use of drugs and in trips to Fourteenth Street to find prostitutes. Finally, the evidence assembled by Grossi indicated that Leroy Williams had been seriously in debt when he left Washington, and that Williams had left homosexual literature in his room when he left Washington. But nothing in the original investigation or in the facts that the Special Counsel has found concerning events in February even hinted at sexual misconduct involving Members or employees of the House.

Nonetheless, the evidence is clear that rumors about a "page scandal" began cirulating in the wake of the investigation. These rumors included stories about sexual relationships between Members and pages as well as stories of pages "pimping" for Members. But the evidence also indicates that these rumors were grossly distorted interpretations of the page dismissals and the Capitol Police investigation.

Finally, the allegations made by the two former pages to the press in June, 1982 appear to have been stimulated more by their own resentment, egos and immaturity, and by contact with one reporter, than by any events involving actions by Members of Congress. It is to the allegations made by Leroy Williams and Jeffrey Opp that we now turn.

B. Leroy Williams

In his CBS interview, Williams asserted that he had had sexual relations with three different Congressmen, three times with one of them, and that he procured homosexual prostitutes for Congressional staffers. Two month's later, Williams changed his story when he was interviewed by Committee investigators. Williams then testified under oath in a deposition taken by the Committee Chairman and Special Counsel that his prior assertions were false.

Since Williams had told two stories that were totally contradictory, the Special Counsel concluded that it was necessary to investigate his charges independently in order to assess whether his origi-

nal story or his recantation was in fact true. In what follows, this report describes Williams' personal background, analyzes his experience in Washington in order to discern his motives for making the false charges that he did, and presents the basis for the Special Counsel's conclusion that Williams' original charges were false and that the testimony he gave under oath when he recanted those charges was accurate.

(1) Personal background

(a) Introduction.—Leroy Williams was born on June 14, 1964 in Little Rock, Arkansas, and is the fifth of six children. His father worked as a laborer until several years ago when a medical disability forced his retirement. His mother is a domestic worker. Williams testified that his two older brothers are in prison, one for murder, one for robbery. His father and mother have periodically separated.

Prior to coming to Washington, Williams attended high school in Little Rock, where he was a "B" student and was involved in extracurricular activities such as the school choir and the drama club. He was also active in the Sixth and Izard Church of Christ. Williams testified that before he came to Washington he drank alcohol infrequently, "maybe once a month." He occasionally used drugs, such as Marijuana, "on a limited social basis," at most once a month.

Unknown to his family and friends in Arkansas, Williams had felt a sexual attraction toward other males since the age of 12. At 14, he engaged in sexual relations with another male for the first time. During the three years from 1978 to 1981 that preceded his arrival in Washington, Williams had sexual relations with men approximately ten times. Williams guarded this secret closely.

Williams first came to Washington in February, 1981, as a participant in "Close-Up," a program that brings high school students to Washington for a week to learn about government. while in Washington, Williams became interested in working as a page and filed an application with his Congressman, Representative Ed Bethune. Williams' application included recommendations from his history teacher and from persons at his church. The House Committee on Republican Personnel notified Congressman Bethune of Williams' selection on May 19, 1981, and he assumed his duties as a page June 29, 1981.

At the end of July, Williams was selected by the Doorkeeper to be one of the two Republican Page Overseers, a supervisory position. Throughout the period Williams served as a page, his work was considered satisfactory, although his performance declined toward the end of his tenure.

It was after working hours that Williams began to have problems. Williams spent most of his time outside of work and school with a group of about five or six pages. He created a fictitious picture that he came from a wealthy family. He told other pages that his father was a heart surgeon, his mother an opera singer. He talked about his parents' ranch, their European travels, and the cotillion balls they held every Christmas. Williams also told the other pages about his girlfriend, Nancy, who he said was a nurse. None of the pages ever saw or met Nancy.

(b) Sexual activities.—When the Congress went into its 1981 midsummer recess, most of the other pages went home. But Leroy Williams remained in Washington alone. He told other pages that he was not going home because his parents were travelling abroad. It was at this point that the 17 year-old Williams first engaged the services of a homosexual prostitute.

He contacted the "Friendly Modeis" agency and obtained the services of a male prostitute, for which he paid $50 by check. Williams used the services of the Friendly Models agency on fifteen different occasions between August, 1981, and January, 1982, ten of those times during the August Congressional recess.

In the months that followed, Williams cruised the gay bars and bookstores, and visited a gay bath house. He testified that between the end of August, 1981 and the end of January, 1982 he had homosexual relations on an average of three times a week, usually with a different person whom he had met in one of those establishments. Williams thought some were congressional employees because he said he later recognized them at work in the Capitol. He dealt with these men on a one-time, first-name basis. In addition to these occasional relationships, Williams testified he had sexual relations on a few occasions with a male who was a Government Printing Office employee, and then over a period of several weeks with a male hairdresser who worked in Georgetown. So far as the pages were concerned, Williams tried to hide his homosexuality.

But it was impossible to keep the secret completely hidden. In August, Williams moved to an apartment from the room he had rented when he first arrived. A page supervisor in the Doorkeeper's office, who had rented Williams his first room discovered a brochure advertising the Friendly Models prostitution agency among personal effects Williams had left in his room. This page supervisor has testified under oath that he did nothing with this information:

> I figured essentially that Leroy no longer lived there and that his social life, whatever it may be, * * * [was] not of a particular interest to me * * * In any respect, I have not really discussed with any page their sexual activity and while I am concerned about it and don't like it at all, I am not really sure what my role would be in discussing it with them.

(c) Use of alcohol and drugs.—During the seven months that Williams was in Washington, he consumed more and more alcohol. He drank when he cruised homosexual bars, and he and the five or six pages in his group drank frequently. The group gathered two or three times a week at his or another page's apartment for heavy drinking sessions lasting well into the night. Sometimes these sessions would go on until it was time for the pages to go to school at six the next morning. Williams or other pages would occasionally drink until they passed out from a combination of alcohol and exhaustion. Williams testified that when he left Washington in late January, 1982, he "was literally an alcoholic."

Williams' use of drugs also increased sharply while he was a page. He frequently took, caffeine pills to stay awake during the long hours of school and work when the House was in session. Williams testified that he used marijuana on several occasions, and he

used cocaine two or three times. But alcohol, not drugs, was his nemesis.

Williams' school record reflects his intensifying problems while he was a page. In early fall 1981, Williams' first advisory grades were close to a B average. By the late fall, they had fallen well below a C average.

(d) Financial problems.—Williams got into increasingly severe financial trouble in Washington. Pages are paid $700 per month. But that is not enough money to pay for rent, purchase food, and live the kind of lifestyle that Leroy Williams pursued. Williams' use of homosexual prostitutes, his heavy drinking, his expensive taste in clothing, and the gifts he reportedly gave to other pages at Christmas strained his finances severely.

Willliams had no source of income other than his salary. He lived in the fashion he did by failing to pay a large number of bills, writing bad checks, and stealing money. When he eventually left Washington in January, 1982, Williams left behind many unpaid charge bills and bounced checks, including almost $900 in unpaid rent and telephone bills.

(e) Williams' departure.—By January, Williams was regularly bouncing checks. His landlady was becoming more and more impatient for her back rent. Williams testified that he was now more dependent on alcohol, more fearful that his homosexuality had been discovered, and felt more pressured on his job. On Friday, January 29, 1982, Williams told his supervisor he was going to resign. That evening he went out with other pages to a party, and spent the night in a homosexual bath house. The next morning, Saturday, January 30, Williams took an automobile belonging to a fellow page, drove to Tuscaloosa, Alabama. He visited the former youth minister of his church who was living there, and eventually returned home to Little Rock.

(f) Williams' decision to talk to the press.—After he arrived back home in Little Rock in February, 1982, Williams began to realize that his departure had stimulated criticisms and speculation about him.

In early March, Williams was approached by a reporter for a local television station for an interview about his experiences as a page. The reporter asked Williams if he had ever been homosexually propositoned while in Washington. Williams responded, "Just by someone who worked on the Hill."

Then, later in March, the page whose car Williams had taken telephoned and asked if Williams had stolen the automobile which had been recovered in Tuscaloosa, Alabama. Williams denied taking the automobile. The page also told him there were rumors that Williams had been involved in drug trafficking.

According to Williams, he immediately telephoned his best friend among the pages in Washington. She called him back that same evening on a WATS line. She told him that the Doorkeeper's Office had linked him with two other pages who had been dismissed in February. Williams' friend said that supervisors in the Doorkeeper's office were saying that all three pages, including Williams, had been fired because they were "bad apples." She told Williams there was a press investigation about him, and the pages had been told not to talk to the press about Williams.

According to Williams, his anger and resentment came to a head in June 1982, when he gave a CBS News reporter the interview that CBS broadcast on June 30.,

(2) Williams' allegations

The F.B.I., various news organizations, and the Committee's staff interviewed Williams in June and July 1982. He did not tell the same story each time. But, in the course of these interviews, he claimed that:

He was propositioned by, and had sexual relations with, three congressmen;

He arranged a sexual liaison between a Senator and a male prostitute;

He arranged sexual liaisons with male prostitutes for a Congressman's administrative assistant and for an employee of the Government Printing Office.

Williams also repeated to interviewers other allegations of sexual misconduct by Members and employees of the House which Williams said had been told to him by other pages. Specifically, he said he had been told that:

A female page had been sleeping with two different Congressmen;

Pages suspected a Doorkeeper's office employee of procuring female pages for sexual liaisons with a Member of Congress, arranging homosexual activities for Congressmen, and having homosexual relations with some male pages;

The Special Counsel has concluded that there is no evidence to support any of Williams' original charges. In reaching this conclusion, the Special Counsel has not relied solely on Williams' recantations. Rather, the Special Counsel's investigative staff has conducted a detailed investigation of each of Williams' allegations. Every bit of independent evidence collected supports the conclusion that Williams' original allegations were false and that he was telling the truth when he testified he had lied about those charges.

(a) General credibility.—Williams' credibility, even before he said he was lying about all of the allegations, was not high. While in Washington, Williams had lied about his family background. He had written numerous bad checks, failed to pay his rent, and lied to his supervisors about his financial problems. Finally, at the time he left the page program, he was suspected of having stolen both a wallet and a car from other pages.

Williams' Counsel allegations were inconsistent almost from the moment he started making them. In his press interview in March, Williams derided rumors of sexual relations between pages and House staff, saying it was "a very, very small problem." He said he did not know of pages involved with congressional staff members, although he was aware of an occasional "pass" at pages. He specifically denied that he was personally involved in "this homosexual thing," but he did say that once a person "who worked on the Hill" made a "pass" at him.

In June, Williams suddenly made his sensational charges on television that he had sexual relations with three Congressmen and procured prostitutes for congressional staff members. However, in Williams' first interview with the FBI on June 25, 1982, two or

three days after he talked to CBS, Williams mentioned sexual relations with two Congressmen, and did not mention staff. Moreover, the details he provided concerning certain incidents differed. Williams told CBS he had sex with one Congressman on three occasions including one time at the Watergate. Williams told the FBI his most frequent encounters with one Congressman were on two occasions, and never mentioned a tryst at the Watergate.

Williams was reinterviewed by the FBI on July 7, 1982, and his story changed once again. He now spoke of sexual relations with three Congressmen, and gave the FBI a third name. But now, Williams added other names and allegations. For the first time, Williams said he had procured a male prostitute for a Senator, congressional staff member, and Government Printing Office employee.

In his first interveiw with investigators from this Committee on July 9 and 10, Williams also lied. Questioned about the thefts of a female page's purse, of another page's automobile, and of a checkbook and cash from a family friend in Washington, Williams made up an elaborate story about the stolen car and also had an innocent explanation for the stolen purse. On the second day of this interview, however, he admitted that he had taken the purse, had in fact stolen the car, and $120 in $20 bills and some checks from his friend's purse.

On July 8, 1982, Williams failed a lie detector test administered by the FBI.

(b) Retraction by Leroy Williams.—By late August, interviews with many pages and other individuals had established there was no corroboration for Leroy Williams' allegations. Under the circumstances, the Special Counsel decided Williams should be reinterviewed and confronted with the evidence. Extensive preparations were undertaken to prepare for the interview. Investigators diagrammed the offices of each of the Members of the House of Representatives with whom Williams alleged he had sexual relations. They noted unusual design features to test if Williams could provide details, since he claimed he had sexual relations with each Member in that Member's office. They interviewed the Congressmen's staffs to obtain information about the Congressmen to be used in questioning Williams.

On August 26, 1982, investigators met with Williams in Little Rock, Arkansas. During this interview, Williams admitted for the first time that the allegations that he had had homosexual relations with Members of Congress were false. He also admitted that the allegations that he had arranged sexual liaisons between male prostitutes and a Senator, a Congressman's staff employee, and an employee of the Government Printing Office, were also false.

Following these admissions to the investigators, a deposition was scheduled for the morning of August 28, 1982 in Washington. On that day the Chairman and Special Counsel deposed Williams in executive session in the presence of his attorney.

Williams testified that he had left Washington and the page program in late January, 1982 as a result of the problems he had experienced from excessive drinking:

> Because of the pressure that had been put on me because of [my supervisor's] suspecting my homosexuality, the pressures of the job, the fact that I was literally an alcoholic because I had gotten to the point where I felt like every day at lunch I had to have a drink in order to go through the rest of the day. Those situations scared me a great deal and I decided that it would be better for me to be at home because I had too much of my life left to ruin it all at such an early age.

Williams testified that when he was interviewed by the CBS news reporter in June of 1982, he made up the story about having sexual relations with Members of Congress. He told the Committee under oath:

> It was my intention to create a story that would be credible and drastic enough that it would cause enough public interest in order to cause people to look at the page system and look at what was going on and basically that was my reason.

Williams testified under oath that he never had sexual relations with any Member of Congress. He specifically denied under oath that he had ever had sexual relations with the Congressmen he had named, that he had had sexual relations with the Senator he had named or that he ever arranged a liaison between the Senator and a homosexual prostitute.

He testified that Committee investigators had not pressured him or attempted to pressure him into changing his story. Rather, he said he had decided to tell the truth:

> Mainly because the mental depression and the pressure of the fraud that I created was just overwhelming and I knew, or at least I felt like, there had been enough attention brought to the pages where there were going to have to be modifications. So at that time, I did not feel like there was any reason to continue in the fraud because I was ready to tell the truth because the pressure was just overwhelming. It had gotten to the point where I wanted to end my life. So I knew that time it had become drastic enough for me to disclose the truth.

(3) Investigative findings

(a) Allegations against Members of Congress.—At various times, Williams alleged that he had had sexual relations with three Members of Congress and that he had procured a male prostitute for a Senator. In two instances, the evidence obtained, in the judgment of the Special Counsel, proves—independent of Williams' recantation—that Williams' allegations were not true. In the other two intances, Williams' vagueness about dates has limited the Special Counsel's ability to develop definitive proof. But all the evidence that has been obtained contradicts Williams' allegations.

(i) Allegations for Which Detailed Evidence Was Obtained

Congressman A: [10] Williams told two versions of his encounter with Congressman A. On July 7, Williams told the FBI the following story about Congressman A: In November, 1981, Congressman A approached him on the House floor and asked him to come to his office after the session. Williams discussed the situation with a fellow page who was a close friend. That evening he went to Congressman A's office, at about 6 p.m. where the Congressman expressed his desire to become better acquainted with Williams. This encounter lasted only 10 minutes and involved no sex. Over the next two weeks Congressman A once again approached him on the House Floor and asked him to come by his office. Williams said he went to Congressman A's office at approximately 6:00 p.m. that same day, where he was alone with the Congressman. Williams alleged that he and Congressman A engaged in homosexual relations for approximately one hour.

Two days later, Williams told Committee investigators a slightly different story. He said he had sexual relations with Congressman A in November, 1981 after the first approach by Congressman A on the House floor. He again said, however, that he joined Congressman A in the Congressman's office at 6 p.m. He said that the sexual relations were unsatisfactory to both of them and that Congressman A never approached him again.

Although the inconsistencies in the stories raise questions about Williams' credibility, both stories are consistent with respect to time—6 p.m.—and Williams' allegation that the liaison occurred on a work day sometime in November 1981.

Investigators in the Special Counsel's Office have reconstructed Congressman A's time during the month of November 1981. That reconstruction indicates it was not possible for Williams to have been alone with the Congressman in his office between 6 and 7 p.m. in November, 1981 on a night when the House was in session. One staff member stayed in Congressman A's office every week night, except Tuesdays, during November, 1981, until at least 8:00 p.m., an hour after Williams claimed he was with the Congressman. The staff member served as secretary and receptionist between 6 and 8:00 p.m. and was aware if the Congressman was in his office and who was with him. She has stated under oath that the Congressman was never alone with a page in his office while she was there. If the meeting with Williams occurred during the week, it would have had to occur on one of the Tuesday nights during November when this staff member was not on duty.

The Special Counsel's office obtained and examined the Congressman's schedule and travel records for November 1981. These records show that Congressman A was not in Washington on three of the four Tuesdays in November. On the one Tuesday he was in Washington, the Congressman's records show that the Congressman was assigned the job of watching the floor for his party, and the Congressional Record shows that he was on the floor of the

[10] Since the Special Counsel has concluded the allegations conerning these Congressmen are false, no names will be used in this report.

House until 7:39 p.m., more than one-half hour after Williams alleges their liaison terminated.

The House was in session on only one Saturday in November, 1981—Saturday, November 21. That evening, Congressman A went to dinner with another Congressman at a restaurant on Capitol Hill, between 6:00 p.m. and 7:30 p.m. The Special Council has obtained a copy of Congressman A's charge account receipt showing a charge at this restaurant on this date. The Special Counsel's staff has also interviewed the Congressman whom Congressman A said accompained him to dinner that night. The Congressman confirms that he did in fact go to dinner with Congressman A immediately after the House session on November 21 at the restaurant named.

Congressman A requested that he be deposed, and he has sworn under oath that he never propositioned Williams, never had sexual relations with him, and in fact never even knew him.

Finally, the page whom Williams claimed he told about the approach from Congressman A denies that Williams ever mentioned the matter.

In sum, based on the evidence obtained by the Special Counsel's office, it appears virtually impossible for Williams to have had sexual relations with Congressman A in his office between 6:00 and 7:00 p.m. on any work day in November, 1981.

Senator B; In July, Williams also made allegations to the FBI and this Committee's investigators about Senator B. Senator B is outside the jurisdiction of this Committee. However, to test Williams' credibility, the Special Counsel did investigate the allegations Williams had made.

On its face, Williams' story about Senator B strains credulity.

Williams alleged that in the latter part of November 1981, his work as a page overseer required him to make frequent trips to the Senate where he became acquainted with Senator B. Williams stated that during one conversation the Senator asked him if he knew someone named Roger. Williams said that Roger, whom he had met two or three times, was a male prostitute employed by an "outcall" prostitution agency, Friendly Models. Williams said he told the Senator he did know Roger and the Senator then requested Williams to contact Roger for him.

According to Williams' story, the Senator asked Williams to arrange a liaison between Roger and the Senator at Williams' apartment. Williams told the Senator that he could not use his own apartment, but he could use the apartment of a friend with whom Williams was staying at the Watergate South apartments. Williams said he agreed to make the necessary arrangements, and subsequently, contacted the Senator's office by telephone leaving a message with a secretary that the appointment was set for 11:00 p.m. that evening. The Senator arrived at the apartment shortly after 11:00, after William's friend had gone to bed. After the Senator arrived, Williams claimed he contacted Friendly Models and requested Roger be sent to the apartment.

According to Williams, Roger did come to the apartment. After drinks, Williams said that Roger and the Senator went into the master bedroom for approximately one hour. Afterwards, as the Senator was leaving, he asked Williams to call his office if there was any way he could be of assistance to Williams. Williams al-

leged that approximately one week later, he telephoned the Senator's office and told a secretary that he wanted to work as a Senate page. The secretary told him she had a memorandum from the Senator indicating she should help Williams in any way possible. In a later conversation with this secretary, Williams said he was told that his application had been sent to "the appropriate Committee." Before the Committee made its decision, however, Williams had decided to return home, and did not pursue the matter.

The independent evidence developed by the Committee shows virtually every statement in this story to be untrue.

"Roger" and Senator B: Unrelated to this Committee's investigation, the Arlington County Police had executed a search warrant and obtained the records of Friendly Models on March 18, 1982. The Arlington Police provided the Special Counsel's Office with the following information: The records of Friendly Models show Leroy Williams was a client of Friendly Models. Those records indicate a visit by "Roger" to Williams on November 15, 1981, at the street address of the Watergate Apartments. This was the only time that the records showed an employee of Friendly Models made a visit at William's request to the Watergate apartments during 1981. (Williams had previously been visited by "Roger" on one occasion in August at his room on Capitol Hill.)

The Special Counsel's staff interviewed and deposed "Roger." "Roger" testified he had a homosexual liaison with Leroy Williams—not a Senator—at the Watergate apartments on November 15, 1981. He denied having relations with Senator B and testified that Senator B was not present. "Roger" also took an FBI polygraph examination. It was the opinion of the examiner that "Roger" showed no deception when he denied the liaison with the Senator.

Senator B on November 15, 1981: The Special Counsel obtained and reviewed Senator B's records concerning his schedule, airline ticket receipts, and credit card receipts for the period Friday, November 13, 1981 through Monday November 16, 1981. These records indicate that Senator B was in his home state all day on November 15 and did not return to Washington until November 16.

Calls to the Senator's office: Williams alleged he made at least one call to Senator B's office the day of the liaison. He claimed he spoke with a secretary. But November 15, 1981, was a Sunday, and the Senator was out of town.

Weather: Williams alleged that on the night of the liaison there had been some snowfall. Official Weather Bureau records show that the first snowfall of 1981 did not occur until November 24, 1981, some nine days after the evening Roger visited the Watergate.

In conclusion, the Special Counsel has found that independent evidence totally contradicts Williams' allegations about Senator B and supports the conclusion that he lied in making this allegation.

(ii) Allegations Regarding Other Two Members of Congress

Williams also told the FBI and investigators for this Committee that he had sexual relations with Congressman C, and with Congressman D.

Congressman C: In the case of Congressman C. Williams initially told inconsistent stories. In his interview with CBS News, Williams said he had had sexual relations with the Congressman on three occasions. When he talked to the FBI two or three days later, however, Williams told them that he had had sexual relations with Congressman C on only two occasions.

In addition, details of the story that Williams told the FBI about his encounters with Congressman C differed from those he provided to investigators from the Special Counsel's office.

Congressman C has denied ever propositioning or having sexual relations with Williams. He has said that he never met alone under any circumstances with Williams and does not know him. Congressman C took a polygraph examination, and the examiner's opinion was that the Congressman was telling the truth when he denied knowing Williams and denied having homosexual relations with him.

Investigators from the Special Counsel's Office have inspected the logs of the Congressman's Office and have interviewed his staff. His staff members have been shown photographs of Williams. No one recalls Williams visiting Congressman C's office on any occasion.

Congressman D: In the case of Congressman D, Williams also told inconsistent stories to the FBI and to the Special Counsel's investigators. Williams told the FBI that Congressman D had initially propositioned him at a reception given by a Congressional Committee, which Williams named. Williams told the FBI he had declined that night, but that the sexual liaison occured the following day after he was again propositioned by the Congressman . However, Williams told this Committee's investigators that he did go to Congressman D's office right after the reception and had sexual relations at that time.

Congressman D was interviewed by the Special Counsel's staff about Williams' allegations. He denied that he ever propositioned Leroy Williams or had sexual relations with him. He denied even knowing Williams. Congressman D also denied attending the reception at which Williams claimed to have met him as the sponsoring Committee did not involve an area of primary interest or concern to him. An inspection of his office records did not indicate any occasion when Williams was in his office. His staff could not recall that Williams had ever been in his office. Committee investigators showed Congressman B's staff photographs of Williams. No one picked him out as someone they recalled seeing around the office.

In sum, all the available evidence supports the conclusion that Williams lied about Congressmen C and D.

(iii) Allegation of Procuring Prostitutes for a Congressman's A.A. and an Employee of the Government Printing Office

Williams alleged for the first time in his July 7, 1982 FBI interview that in August, 1981 he had procured male prostitutes from Friendly Models for a Congressman's administrative assistant (AA) and for an employee of the Government Printing Office (GPO). Williams said both of these liaisons took place on the same evening at his apartment. Williams stated that he obtained a prostitute

named "Donnie" for the AA and a prostitute named "Bob" for the GPO employee.

Evidence obtained by the Special Counsel supports the conclusion that Williams lied in making these allegations. The records of Friendly Models do indicate that on August 11, 1981, male models "Bob" and "Donnie," the prostitutes with whom Williams claimed he arranged dates for the GPO employee and the AA, answered calls from Leroy Williams. Investigators from the Special Counsel's office have located and interviewed both "Bob" and "Donnie." Both men confirm going to Williams' apartment on the same night in August, but both said that Williams was their only client and he did not procure their services for someone else.

The Committee investigated and deposed the AA for whom Williams said he arranged a homosexual prostitution liaison in August. The AA testified that he did not have sexual relations with Leroy Williams or with a male prostitute on any occasion.

Committee staff unsuccessfully attempted to locate the former GPO employee. GPO records, including credit union records, the GPO employee locator and the federal government communications operator did not list a present or former GPO employee with the name of the person for whom Williams said he arranged the date with "Bob."

(b) Further allegations by Williams.—Williams also repeated some allegations of sexual misconduct he had heard second-hand from others. These allegations amounted to little more than gossip, and, under other circumstances, would hardly merit serious investigation. But, to assure that the investigation was complete, these allegations have also been investigated. The evidence developed has, without exception, shown nothing to support them.

Allegation: Williams testified that he had been told that a female page whom he named had sexual relationships with two Congressmen, although he had no first-hand information of either liaison.

Investigative findings: Investigators interviewed the page and both Congressmen allegedly involved, and attorneys on the Special Counsel's staff took the page's testimony under oath at a deposition. They all denied the relationship.

Investigators showed a photograph array containing the page's picture to the staff of both Congressmen, none of whom recognized the page as someone who frequented the offices.

The page's two roommates stated under oath at depositions that to the best of their knowledge she had not been dating or having an affair with a Congressman.

The two former pages who Williams said told him about one Congressman's relationship with the page were deposed. Both denied under oath knowing anything about any such relationship, and both denied telling Williams or anyone else about such a relationship.

Another former page, whom Williams said told him about the second liaison, was also deposed under oath. He denied ever making such a statement to Williams.

Allegation: Williams also testified that it was "rumored" that this female page was set up by a page supervisor with the second Congressman. Williams testified he heard this information from the page who told him about this liaison. Williams had no personal

knowledge of such a liaison or whether the page supervisor had a role in setting up the liaison.

Investigative findings: Committee investigators identified those pages who worked most closely with the page supervisor, and interviewed and/or deposed each of them. None of the pages had any personal knowledge or had ever heard any rumor that the page supervisor had ever arranged or attempted to arrange dates between a female page and either of the Congressmen mentioned by Williams, or between any page and anyone else. The pages testified that they had no reason to believe that the page supervisor was arranging dates between pages and others or that any page was involved sexually with any Member of Congress.

The page who was supposed to have told this story to Williams denied under oath ever making such a statement.

That page supervisor named by Williams was also deposed under oath, and also denied having ever been involved in any such activity with a page or a Member of Congress.

Allegation: Willaims also alleged under oath that a Member of Congress "propositioned" a female page. He testified that the Representative merely called the page desk in October, 1981, and asked to speak with the female page, who was unavailable. According to Williams, the Congressman later called the Cloakroom and asked her if she would drop by his office after adjournment; she reportedly declined, saying she was going home immediately after work because of school.

Investigative findings: The female page testified that she was never approached by the Congressman Williams mentioned, that she did not tell Leroy Williams, or any other page or anyone else that she had been approached, or that she was propositioned by that Congressman. She testified that some male pages "often" said to her that they were "sure" she had been propositioned by someone, but she insisted to them that this was not true.

The page's roommate testified under oath that she never heard anything about her roommate being propositioned by anyone.

C. Jeffrey Opp

Jeffrey B. Opp was the other page who appeared, with his identity concealed, on the June 30 CBS News broadbast. In that broadcast, he alluded to one "homosexual approach" that a Congressman had made to him. But interviews with the FBI and this Committee, Opp made two different types of allegations:

1. allegations based on his ersonal experience, and
2. allegations based on information that he had heard from other people.

The Special Counsel has found nothing to support any of these allegations.

At his deposition before this Committee, Opp testified:

> That interview was a—it was a 16 year old kid satisfying his ego. That interview was my being—was me being, as I have said, holier-than-thou, * * * and being able to rationalize everything in my mind meant I had to be adamant, I had to be definite. I had to say this is the way it is and lay

> it on the line, and not take into consideration my bias, which I did not at that point.

Opp further testified that his conversation with the CBS reporter had left him:

> [P]anicked, scared, * * * holier-than-thou, wanting to prove something, and I used what [the reporter] said and I convinced myself of it even though at the time he was saying it I didn't believe it, I convinced myself that it was true and then that this Hill just needed to be cleaned up.

In retrospect, Opp testified that he did not feel that he had acted responsibly in making the charges that he had made. He concluded that he had exaggerated the significance of his personal experiences in his discussions with the CBS reporter, with the staff of his congressional sponsor, and with the Justice Department.

A careful evaluation of information provided by Opp has yielded not a single instance in which there is responsible evidence that improper actions occurred. All the evidence we have developed—including significant changes in Opp's own story when he was questioned under oath—indicates that there is no support for his allegations.

(1) Background

Jeffrey Opp was appointed as a page under the sponsorship of Congresswoman Patricia Schroeder and served as a page from January 4, 1982 until June 12, 1982.

Opp considered himself far to the left on the political spectrum and went out of his way to challenge authority and to make sure that people were aware of his extreme left-wing political views. For example, the Deputy Doorkeeper recalls a conversation in which he recommended to Opp that he open a checking account in order to depesit his salary and draw checks for his personal expenses; Opp responded that, for ideological reasons, he did not believe in using banks.

There was substantial tension between Opp and his supervisors in the Doorkeeper's office. The supervisory staff who had contact with Opp had a strong negative impression of him. One supervisor told Committee investigators that he did not like Opp personally and believed that most of the pages did not like him. That supervisor also felt that Opp had serious emotional problems.

For his part, Opp felt that his supervisors believed that he should not have been a page. Opp felt that his supervisors' attitude toward him was based on the fact "that I preached socialist ideals, * * * that I didn't look like a page, because I let my hair grow longer than I should have, I didn't tie my tie all the way while in session, I was not your model page."

Opp also resented his involvement in the investigation of pages conducted by Sgt. Grossi of the Capitol Police. Opp said he believed this investigation would lead to his termination as a page. When Sgt. Grossi's investigation concluded, the Doorkeeper visited Congresswoman Schroeder to complain about Opp's conduct. Following the Doorkeeper's visit, Congresswoman Schroeder's staff admonished Opp. Opp's reaction to the investigation is evident from the

telephone call he made to one of Congresswoman Schroeder's staff threatening that if the pages' conduct was going to be criticized, the pages would take a few Members of Congress down with them.

The allegations that Opp has made must also be considered against the background of his reputation for exaggeration and for "blowing things out of proportion." Obviously, the evidence concerning Opp required that his statements be subjected to a critical and searching analysis.

(2) Opp's direct conversations with four individuals

In his interview at the Department of Justice and his interview by Committee investigators a few weeks later, Opp related four personal experiences that, he asserted, had overtones of homosexual solicitation.

(a) The four conversations.—

Congressman E: Opp testified that on May 25, 1982 the House was working very late into the evening, and he was on duty on the House floor. Opp was asked to help Congressman E make copies of some documents to be distributed to House Members. Congressman E and Opp were in the Speakers Lobby, a small area off to the side where a copying machine is located. Opp said that he stood approximately two feet away from Congressman E while the machine was copying. They stood silently for about 30 or 40 seconds, when Congressman E moved to within a foot of Opp. Opp recalled that the Congressman put his arm around Opp and pulled him "in an ingratiating move." Congressman E then allegedly asked, "You want to come to a party tonight? I could show you some fun." Opp said he told the Congressman, no, and moved away. After the machine finished making the copies, Opp handed the copies to the Congressman, and the Congressman left the area. The entire incident took only two minutes.

Opp has consistently maintained that he interpreted the actions of Congressman E as being "an overt sexual proposal." He testified, "I took it to mean that if I would have gone to that party, I would have had fun via having sex with him." Opp testified that he had no contact with Congressman E before this incident and had none after it occurred, except that the Congressman would look at him strangely when they encountered each other on the floor.

Congressman E has said that he does not recall ever meeting Opp. He did not recognize Opp's photograph when it was shown to him. Congressman E said that he rarely asked pages to run errands for him and did not know many of them. Congressman E said that he had only attempted to use the copying machine in the Speaker's Lobby on one occasion, several years before, and had found the machine broken. He had not attempted to use the machine again; he habitually used another machine which he regarded as better. He speculated either that Opp has confused him with another Member or was inventing the entire incident. Congressman E recalled a somewhat heated exchange he had had on the floor with Congresswoman Schroeder, Opp's sponsor, some weeks before the alleged incident. He thought it possible that Opp was retaliating against him out of a misguided sense of chivalry.

Congressman F: Opp's interpretation of a brief conversation with Congressman F has varied. According to Opp, on the night immedi-

ately after he had been approached by Congressman E, the House was also in session late. Opp testified that he was approached at his desk on the floor of the House by Congressman F who also asked him if he wanted to attend a party. According to Opp, the Congressman made a gesture with his hands to his nose. Opp told the FBI that he interpreted this gesture to mean there would be cocaine at the party. He told Congressman F he was not into that sort of thing, and the Congressman said nothing else about it. The conversation lasted less than a minute, and Opp had no contact with the Congressman either before or after this one conversation.

Opp told the FBI that he did not feel that the Congressman was making homosexual advances toward him. But three days before the FBI interview he told Congresswoman Schroeder's staff that he did interpret the gesture to be sexual. When he first met with Committee investigators in July; he also said he considered Congressman F's invitation to a party and his sniffing gesture to be a sexual approach. Opp explained that the reason he perceived sexual overtones in the incident was that offering drugs to a page "goes hand in hand with homosexual acts."

In his deposition in September, Opp reverted to the view that he did not believe there was anything sexual involved. Rather, he testified that he regarded the incident as relating strictly to cocaine use.

Congressman G: Opp's interpretation of a conversation he had with Congressman G changed over the summer. He told the FBI in June that the conversation involved a sexual advance. In September, he testified that he was not so sure. The incident occurred while the House was in session, late one night in early May. The conversation with Congressman G occurred at approximately 11:00 to 11:15 p.m. in the Republican Cloakroom. Two employees who worked in the snack bar were within two or three feet of Opp and Congressman G when they were talking and there were other Congressmen milling around. He and Congressman G were standing at the snack bar, and the Congressman asked "Where do you go after this?" Opp said he responded, "Home to bed." The Congressman then asked, "Don't you ever go out?" When Opp said yes, the Congressman asked where he went. Opp replied, "Penn. Ave."—meaning the nearby bars and restaurants on Pennsylvania Avenue. As Opp tells the story, the Congressman then said that he also went there and that "[i]t is strange we have not seen each other." Opp said the Congressman than said, "We should see each other sometime."

The conversation lasted less than a minute. Opp said that he had had no further contact with Congressman G prior to that incident, other than taking messages to him on the floor, and that he had had no contact with him since that incident.

Opp told the FBI that he considered the incident to have sexual overtones. But at the time of the deposition Opp testified that he was "not sure * * * I am not positive. It strikes me as being odd; it strikes me as being strange, and certainly it could be, it could have been, but I am not positive."

When asked the basis of his concern that there had been sexual overtones to the conversation, Opp said that Congressman G is "an aloof man" who "does not come on nicely to people." He also said

that he had had some concern because of the reaction of the two women who worked behind the snack counter. At his deposition, Opp testified that one of these women told him upon his return a short time later, "Got to watch out." In previous interviews, he had described the women as "eyeing" him "warily" or clicking their tongues.

When the Special Counsel's staff interviewed Congressman G, he was incredulous. He did not know anything about Opp except what he had heard in the media. He said that he had never met Opp and did not know what he looked like. After being shown a photograph of Opp, he still said he did not recognize him. When asked specifically about a conversation that might have occurred late at night at the snack bar, Congressman G said that it was certainly possible that if the House was in session late at night he would get a sandwich from the snack bar and that if he did that, he would probably make conversation with someone standing nearby, including a page.

But he said that the notion that someone would sexually proposition a page in the snack bar was preposterous. The snack bar counter is only about seven feet long and there are two women who work behind it who would overhear any conversation. Furthermore, there are many other persons moving about in a relatively confined space who would also overhear. The Special Counsel's staff has visited this area and has found Congressman G's description accurate.

Lobbyist: Opp told the FBI in June that a woman lobbyist had been providing male pages for homosexual relations with Members of Congress. He did not know her name. He described her to the FBI only as a "very large woman."

Opp explained to Committee investigators in July that this charge was based in part on an encounter he had with her. Opp did not know the woman's name, but described her as blonde, obese, and having a prominent nose. He said he met this woman at a doorway to the House Floor and she remarked, "These guys could use some help from time to time. Do you think you could help?" Opp declined and went on his way. Based on this exchange, Opp had concluded she was seeking to arrange sexual liasions. By September, Opp changes his mind about this conversation. He testified at his deposition that he had "probably misread that incident."

(3) Investigative findings

It is difficult not to dismiss Opp's original stories, particularly about the lobbyist, as ludicrous on their face. Had it not been for the serious public concern about the "page scandal," Opp's charges would not have even warranted investigation. Nonetheless, to the extent possible, the Special Counsel attempted to investigate these charges. The Special Counsel looked for methods of investigating Opp's charges in ways other than by simply questioning the participants, who, assuming any wrongdoing, would be likely to deny it. This proved to be a difficult task. In each instance, the only thing which was alleged to have occurred was a brief conversation between Opp and another person. The two snack bar attendants Opp thought had overheard the conversation between Opp and Con-

gressman G were interviewed by Committee investigators, but neither remembered the incident.

In an effort to seek some independent evidence, the Special Counsel deposed three former pages, all friends of Opp, whom Opp claimed he had told about his various experiences, if these witnesses could establish that Opp had at least related consistent versions of these events to them, more or less contemporaneously with those events, that consistency would have some limited corroborative effect. While all three former pages recalled Opp's informing them of at least one encounter with a Member of Congress, none of their recollections of these incidents were consistent with each other, and all were different from Opp's version of events.

Finally, two of the three page friends testified that they did not believe aspects of Opp's story at the time he first told it to them last Spring. One testified that Opp was undergoing some difficult personal problems at the time. The second testified that aspects of Opp's story were "ridiculous" and that he was very concerned that innocent people named by Opp would be damaged if Opp's allegations appeared in the press.

It is the Special Counsel's view that Opp's interpretation of these incidents has more to do with his own idiosyncratic reaction to situations rather than misconduct on anyone's part. All his allegations of personal experiences were nothing more than brief conversations. There was no sexual contact, no sexual harassment, no overt misconduct. The fact that Opp himself has retreated from his conclusion that two of the four incidents had sexual overtones and has expressed doubts about the third, further suggests that the "advances" were more imagined than real. The total absence of any corroborating evidence and Opp's general reputation only reinforce this conclusion. Under scrutiny, Opp's allegations of sexual misconduct arising out of these personal encounters simply collapse.

(4) Information From Others

In his initial interview with the FBI, Opp passed on a number of stories of misconduct that he said were told to him by the CBS news reporter. These included a number of named Congressmen allegedly involved in homosexual ring of 25 to 50 Congressmen for whom pages were procured for sex by an employee of the Doorkeeper's Office. Opp said his knowledge about these allegations was limited to what he said he has been told. The CBS reporter declined to discuss with the Special Counsel what he had said to Opp, much less the basis for any allegations that had been discussed.

Without the reporter's cooperation, only one of these allegations had sufficient detail to warrant investigation: that a sex ring was operating out of the Doorkeeper's Office. Investigators in the Special Counsel's Office inteviewed every employee of the Doorkeeper's Office about this allegation and deposed four of the key employees. Every page or former page who was deposed was asked about these allegations. Absolutely no support was found for the charges. Indeed, it is almost impossible to imagine a sex ring of the magnitude alleged flourishing in secrecy in the fishbowl of Capitol Hill.

Opp did make three other allegations about sexual misconduct of Members of Congress which the Special Counsel did investigate.

These all concerned incidents of which Opp had no first-hand knowledge. No evidence has been found to support a single allegation.

Congressman H: Opp told the FBI he believed Congressman H was having sexual relations with a male page. Opp based this conclusion on four specific observations. First, Opp claimed that on three separate occasions, the page said that he was going to drive Congressman H to the airport so that the Congressman could fly to his home state. But Opp said that on each occasion, Opp saw Congressman H on the House floor or in one of the office buildings the next day. Second, Opp once overheard a House employee who worked on the Floor of the House say to the page, "You got to get to know these people a lot better to stay here." The employee also told the page, "Go on about your business and I will tell you when it is time." Third, Opp testified that on one occasion he had asked the page "what the hell he was doing" after one of these conversations and the page said that he "needed to stay here." Fourth, the page had obtained appointments from several different Members of Congress.

Solely on the basis of these observations, Opp concluded that the page was having sex with Members of Congress and specifically with Congressman H in order to keep his job.

Opp's view of these incidents had changed radically by the time of his deposition in September. He said that at the time he talked with the Justice Department officials about this allegation.

> [E]verything had the taste of, you know, perversion acts and that type of thing, and at this point I just, after rehashing with myself, using a bit of hindsight, and thinking that—back then I was doubting; I was doubting myself; I was doubting people I was in contact with; I was doubting all the congressmen who I had idolized at some point and so it was very easy to assume that.
>
> But after rehashing and hindsight, I was thinking the situation probably was that he was looking for an appointmentship.

In the Special Counsel's judgment, the basis advanced by Opp for his original allegation is so flimsy and farfetched that it is not credible on its face. Nonetheless, the page in question has been deposed. The page testified that he never told Opp that he was driving Congressman H to the airport unless he actually drove the Congressman to the airport. The page testified that he drove the Congressman on one occasion. The page further testified that he was not solicited by nor did he engage in homosexual relations with the named Congressman, with any other employee or staff member of the House of Representatives, or with any Member of Congress.

In addition, the House employee named by Opp was interviewed and provided a sworn affidavit. The House employee denied being involved in any homosexual activity and said that he cautioned the page to get to know the Members' faces so he could get a job in the Cloakroom.

Congressman H has said that he sponsored this page after the page's prior appointment by another Member had expired. The

page contacted someone on Congressman H's staff who investigated the page's credentials and recommended that Congressman H sponsor him; Congressman H did not interview or meet the page prior to sponsoring him.

Congressman H used his pages as drivers on occasion. On one occasion he had an early morning flight to his home state from Baltimore-Washington airport. Rather than leave his car at the airport, he drove to the page's house, picked up the page, drove to the airport, and left the car with the page to drive back to Washington. This incident may have triggered Opp's speculation about the pages driving him to the airport.

Congressman H noted that he never used any of his female pages to drive him anywhere in the evening because he was concerned that someone who spotted him getting into a car driven by a young woman would speculate about their relationship. He adhered to this position despite his wife's protest that he was discriminating against his female pages. (The pages liked to drive the Congressman because it gave them the opportunity to talk to him and get to know him.) The Congressman found it ironic that he should be accused of having a sexual relationship with a male page because the page had driven him.

There is simply no evidence whatsoever to support Opp's initial allegation. Indeed, as Opp himself came to recognize, the "evidence" Opp cited in support of the initial allegation does not support it at all.

Congressman I: Opp told the FBI that an employee of the House of Representatives gave a party in April, 1982, at which Congressman I "came on physically" to a certain page. Opp said that the advances made by Congressman I were "groping stuff." Opp did not attend the party himself, but claimed to have had a conversation with a page who did. Opp named three other pages who were present at the party.

Based on Opp's allegations, the Special Counsel interviewed and deposed the page involved, and a number of other pages. The page who was reportedly the victim of the uninvited physical advances testified he had never been at the home of a House employee where Congressman I was present—totally contradicting what Opp had reported. The page further testified that he did in fact attend a party at Congressman I's house in April or May, 1982. There were approximately 12 other people in attendance, including the Congressman, his wife and children, one or two page supervisors and at least one of their wives, and several Cloakroom pages. The page testified that the Congressman made no advances to him. The page further testified he did not tell anyone that the Congressman had made any physical advances to him.

Another page who attended the party testified that the party occurred around May 25, 1982. In addition, this page testified he saw no advances by the Congressman or physical contact between the Congressman and any page. Nor was he told about any such advances or physical contact.

Interviews with and depositions of more than half a dozen other pages and individuals who were present at the party, including page supervisors, corroborate this testimony that there was no such sexual advance at Congressman I's party by the Congressman.

These individuals also said they knew of no party at the home of the House employee attended by the Congressman. Congressman I in an interview also denied the story. A photo array containing the photograph of the page was shown to I's staff. No one recognized the page.

It is wildly improbable that the Congressman would have made the type of advance described by Opp in the presence of his wife and children, who, all of the witnesses agree, attended the party. No evidence supports Opp's allegation; to the contrary, all available evidence leads to the conclusion that the allegation is false.

Congressman J: Opp testified that he had heard that Congressman J was sleeping with a female page. Opp said that the page's roommate, and Opp's own roommate had both told him about this relationship. According to Opp, the page's roommate had told Opp at a party that the Congressman was paying the page's rent. Opp said he was told that the page would purchase a money order, using funds supplied by Congressman J to pay her share of the rent. Opp's roommate repeated essentially the same information about this page and the Congressman approximately one month later—telling Opp this information also came from the page's roommate.

The Special Counsel's staff interviewed and deposed the page and her two roommates, one of whom had allegedly told Opp about the affair. Each of them denied any knowledge of such an affair.

The Special Counsel also took the following steps:

The Committee subpoenaed bank account records of the page and her roommate who collected the rent checks and sent them to the landlord. Those records reflect no evidence of a monthly payment from Congressman J. The records are consistent with the page's testimony that she paid her share of the rent by check on a monthly basis.

The Congressman's secretary who handled his personal finances was interviewed and deposed. She testified there were no records consistent with a pattern of regular monthly payments in the amount of the page's rent, and that the records reflected no payments to any pages.

An investigator examined the House Finance Committee's periodic reports on Congressman J's office expenditures. There were no payments from his office account to pages or for money orders. Nor were there any payments consistent with a pattern of monthly payments of the page's rent.

An investigator also examined the cancelled checks from the Congressman's personal account for the pertinent period. These checks reflected no payments to the page, no purchase of any money orders, and no pattern of payments consistent with the monthly payment of the page's rent.

The Committee investigators also showed to Congressman J's staff a group of unmarked photographs of female pages including the page supposedly involved in the affair. No one on the staff remembered the page as someone they had seen in Congressman J's presence.

Congressman J responded to detailed questions from Committee investigators and denied the affair.

In sum, no evidence could be found to suggest that Congressman J paid the page's rent or was involved in any sexual relationship with the page. The page's roommate testified that it was possible that this rumor resulted from a joke she had made about the fact that the page regarded the Congressman as attractive.

D. Other allegations

During the course of the investigation pursuant to H. Res. 518, the Special Counsel has received a number of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. The Special Counsel has concluded his investigation of the allegations set out below. They fall into two categories. The first set of allegations proved unfounded. The second set of allegations proved to have insufficient grounds to warrant further investigation either because of the staleness of the incidents or because the allegations concerned individuals no longer associated with the House of Representatives.

Allegation: The Special Counsel received an anonymous letter charging that a Congressman had raped a participant in a university's internship program who had been placed in Washington, D.C. The anonymous author claimed that the director of the program was aware of the incident.

Investigation: The Special Counsel's staff interviewed the program director, two other university staff members, and an intern who had allegedly been placed in Washington, D.C. The director denied any knowledge of such an incident. The director advised the Special Counsel's investigators that he had previously been questioned about this charge by three local newspaper reporters who had each received a copy of the same anonymous letter just prior to the 1982 congressional election. The other interviews established that there were no interns from this program in Washington, D.C., during the term of office of the accused Congressman.

Conclusion: The Special Counsel has found no evidence to support the allegation as described in the anonymous letter and has terminated the investigation of this matter. The timing of the allegation suggests that the anonymous source hoped to embarrass the Congressman immediately before the election.

Allegation: The Special Counsel's staff was told by two sources that a former female page had dated a House employee. Neither source could identify the employee, although one source said that the employee was a "page supervisor." Also, an anonymous caller named a particular page supervisor as being "involved with female pages."

Investigation: The Special Counsel's staff interviewed and deposed the female page. The page denied dating any Member, officer, or employee of the House, and was unable to recall anything she might have said that would have suggested that she had dated a page supervisor. However, she acknowledged that she often made joking remarks that others took to be serious. Her roommate testified that she was prone to exaggerate her social relationships. Other pages cited this female page as the source of other unfounded rumors. In numerous interviews and depositions of other pages, the Special Counsel inquired about whether the named supervisor was involved with female pages. No page knew anything about it.

Many pages knew this supervisor and testified that the allegation was wholly inconsistent with their experience and perception of the individual in question. The individual was deposed and denied the allegation under oath.

Conclusion: The Special Counsel has found no evidence to support further investigation.

Allegation: A former page told the FBI and the Special Counsel's staff that a Congressman had asked a female page to go out with him. The female page asked two male pages to accompany her and the Congressman to Georgetown. At the conclusion of the evening the Congressman drove the pages home and remained in the car with the female page after the two male pages had gone inside.

Investigation: The Special Counsel's staff deposed the page who made the allegation as well as the female page allegedly involved. The third page named in connection with the incident was interviewed. The female page testified that the Congressman had never asked her to go out alone with him. On the evening in question, he had offered to give her and her friends a ride to Georgetown. She testified that the Congressman drove them to Georgetown, accompanied them to a club and drove them home. She testified that he never made a sexual advance to her. The statements of the second male page were consistent with those of the female page. Both the female page and the second male page stated that the page who made the allegation had consumed so much beer while at the club that his memory of the evening was unlikely to be reliable.

Conclusion: The Special Counsel has found no evidence to conclude that the Congressman made a sexual approach to the female page.

Allegation: A former page told the FBI of a conversation he had had with a Congressman in which the Congressman apparently propositioned him.

Investigation: The Special Counsel's staff deposed the page who gave a different, wholly innocent, account of a conversation with the same Congressman. Other statements of the page who reported the allegation suggested that his initial interpretation of events was questionable and that he frequently tended to assert conclusions that, in the judgment of the Special Counsel, had no rational basis. The Congressman was interviewed and does not recall having met or conversed with the page, although he acknowledged it was his habit to "make small talk" in the Cloakroom where this incident was alleged to have occurred.

Conclusion: The Special Counsel has found no evidence to support the allegation.

Allegation: In response to the Special Counsel's letter to former pages, a former female page wrote that, in the corridor of a House Office building, a male who she believed to be a Congressman had put his arm around her waist and invited her into an office. She wrote that she "turned down the offer."

Investigation: The Special Counsel's investigators interviewed this page twice. The page described the incident as a "joke," and recalled that she had laughed at the time. She reviewed photographs of all Congressmen who fit the physical description she gave and was unable to recognize any as the man who had approached her.

Conclusion: The Special Counsel has found no evidence to suggest that any misconduct occurred.

Allegation: A former page alleged that statements and conduct of certain female pages led him to believe that Capitol Police had been sexually involved with three female pages, two of whom had been Senate pages.

Investigation: The Special Counsel's staff reinterviewed and deposed the page who made the allegation, and forwarded his statements about the former Senate pages to the Senate. The former female House page denied that she had had any sexual involvement with Capitol Police. Testimony of the page who made the allegation had been contradicted on a variety of matters by other evidence which has raised serious questions about his credibility. In addition, a former aide of his sponsor has questioned his credibility.

Conclusion: The Special Counsel has found no evidence to support further investigation.

In several instances, the Special Counsel received allegations of improper or illegal sexual conduct that occurred many years ago, or by individuals who had once been but were no longer Members, officers, or employees. Further investigation of these allegations will not be pursued.

Respectively submitted,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

Dated: December 14, 1982.

APPENDIX A.—FEBRUARY 1982 PAGE INVESTIGATION BY U.S. CAPITOL POLICE

The United States Capitol Police (U.S.C.P.) conducted a brief investigation into allegations of misconduct involving pages in early February, 1982. This investigation was triggered by the discovery in Leroy Williams' apartment of another page's missing wallet and by information from Williams' landlady about drunken parties.

The Committee received allegations that the U.S.C.P. investigation had been prematurely terminated. These allegations implied that the U.S.C.P. had information relevant to the Committee's investigation pursuant to House Resolution 518. This Committee and the Special Counsel agreed that the Special Counsel should investigate the conduct of the U.S.C.P. investigation.

The Special Counsel has reviewed the written records of the U.S.C.P. investigation, and has interviewed or deposed (a) the Capitol Police detective who carried out the investigation and his superiors; (b) individuals in the offices of the Doorkeeper and the Sergeant-at-Arms; (c) Members of the House and their staffs who received information about the U.S.C.P. investigation, and (d) pages who were interviewed by the U.S.C.P.

The Special Counsel's inquiry has been directed at the following questions:

1. What was the scope of the police investigation, and what information did it obtain?
2. Was the investigation prematurely terminated?
3. What action was taken as a result of the investigation?

4. Did the police inquiry itself unintentionally contribute to rumors which later led to public allegations of sexual misconduct involving Members of Congress and pages?

FACTS

A. Initiation of the investigation

The last day on which Leroy Williams worked as a page was Friday, January 29, 1982. That weekend he moved out of his apartment at 24 Third Street, N.E., and left Washington, D.C.

Following Williams' departure, his landlady found certain items in the apartment he had occupied. These included literature and other items strongly suggesting homosexual interests. In addition, she found a wallet belonging to a female page.

Williams' landlady contacted the House Doorkeeper's office and was referred to Sergeant John D. Grossi of the Capitol Police. Grossi had earlier been assigned to investigate the disappearance of the wallet found in Williams' apartment. On February 2, 1982, Williams' landlady met with Grossi to give him the wallet. During this meeting, she told him that she had also found some pornographic literature in Williams' room, including what appeared to be a directory of male prostitutes. She also reported to Grossi that Williams' neighbors had complained to her about loud, late-night parties attended by pages at Williams' apartment. She and Grossi discussed the possible use of drugs and alcohol at these parties.

After his conversation with Williams' landlady, Grossi met with his superiors, Deputy Chief Gilbert Abernathy and Chief James M. Powell of the U.S.C.P., and related what he had learned. Chief Powell then telephoned House Sergeant at Arms Benjamin R. Guthrie, who is the representative of the House of Representatives on the Capitol Police Board. Arrangements were made for Grossi to brief Guthrie on the information he had received relating to pages.

Grossi met with Guthrie in Guthrie's office in the Capitol on February 2 or 3, 1982. After that meeting, Grossi and Guthrie met with House Doorkeeper James T. Molloy, whose staff supervises the work of House pages. In both meetings, Grossi discussed the information which he had received from Williams' landlady regarding page conduct. He told Guthrie and Molloy about the missing wallet and the homosexual material found in Williams' room. He also told them about the allegations of page participation in loud, late-night parties at which drugs and alcohol may have been consumed. He was instructed to investigate the allegations, and to report back to Guthrie.

B. Grossi's interviews of pages

Over the period of a week, from February 4 through February 10, 1982, Grossi questioned eight pages. He reported back to Guthrie twice—once in the middle of this period and once at the end.

On Thursday, February 4, Grossi interviewed three pages about their personal activities and those of other pages. According to his interview reports, these pages told him about all-night "drinking parties" in Williams' apartment, attended by other pages; the use of drugs by Williams; and consumption of alcohol by pages at parties and at various commercial establishments. One or more of the

three also told Grossi that Williams and a second page had taken pages to Fourteenth Street (an area of Washington frequented by prostitutes, which has a high concentration of pornographic bookstores and nightclubs). At least on the trips organized by the second page, the pages were alleged to have used the services of prostitutes. Grossi's report names eight pages as being "involved, directly or indirectly" in the various activities described by the three pages.

On Friday, February 5, Grossi personally delivered the written report of his interviews with these three pages to Guthrie and discussed with Guthrie the information obtained in these interviews. Guthrie immediately arranged a second meeting with Molloy to provide him with the information in Grossi's reports.

By Monday, February 8, Grossi received information suggesting that Williams might have been responsible for the theft of a page's car, which had disappeared on January 6, 1982. On that day, he learned that both the car and Williams were in Tuscaloosa, Alabama. He conveyed this information to Guthrie on February 9 and also provided it to the Metropolitan Police who were responsible for investigating the stolen car.

Also on February 9, Grossi reinterviewed one of the pages he had interviewed earlier and interviewed another page for the first time. His written reports state that these pages told him that they believed Leroy Williams was a homosexual, that the pages "had no further information regarding any other pages that were homosexuals" or about homosexual activities among pages or nonpages. The report of Grossi's interview with the page he interviewed for the second time indicates that she said she did not know of any adults from the House or Senate attending any parties which she attended. The interview reports also included information about the use of alcohol by pages at parties given by Williams and others, the willingness of Washington commercial establishments to serve pages alcohol, the use of drugs by pages, and trips by pages to Fourteenth Street allegedly to pick up prostitutes. One of these pages also told Grossi about two separate fights involving two male pages.

Grossi's reports indicate that on February 10, he interviewed three additional pages. These three interviews focused on an incident at a page party in which a page had struck someone on the head with a bottle.

On February 11, 1982, Grossi wrote a summary report in which he listed eight pages whom he had interviewed.[1]

The summary report included this paragraph:

> With the exception of the few cases of misconduct as indicated by prior reports involving Pages, this investigation could find no further indications of sexual overtones or misconduct involving Male or Female Pages or non-Page adults.

Also on February 11, Grossi wrote a second report indicating that he met with Guthrie at 9:30 a.m. on that day, and that, at the

[1] No individual interview report appears to exist for one of the pages listed, but this page has confirmed that Grossi did in fact question him.

direction of Guthrie, the page investigation was terminated. This second February 11 report indicated that, as a result of the investigation, four pages, including Leroy Williams, were being dismissed. Grossi wrote no more reports as part of his investigation. On June 25, 1982, he was contacted by a television reporter asking questions about the investigation. At that time he wrote a summary report of the investigtion for his superiors.

Some of the pages whom Grossi interviewed have reported lines of questioning that are not reflected in Grossi's written reports. One page testified that Grossi asked her if she had ever been approached by a Member of the House of the Senate and if she had ever heard anything about Williams being approached by a Member of Congress. This page said that she heard that Grossi asked the same questions of everyone else. She also testified that Grossi's questions led her to believe that Leroy Williams had "some kind of sexual involvement with Congressmen."

Grossi himself has denied under oath that he asked any page about being propositioned by Members of Congress. He said that he had no reason to ask such questions. But he testified that he believes he did ask pages about propositions from "nonpage adults." He testified that the only conversation he had with pages specifically regarding a Member of Congress related to a Member who allegedly had asked some pages out for a drink. Grossi could not recall who had told him about this, and he had never learned the Member's name.

A second page testified that Grossi asked her if Williams was involved with a prostitution ring, and if he was a liaison for Congressmen. Grossi testified that he asked the pages about sexual contact between pages and between pages and non-page adults, and he "probably" asked all of them if Leroy Williams was a homosexual. But Grossi does not recall asking the questions described by the page.

A third page testified

> That Grossi told him that one of the reasons another page was dismissed was "conclusive evidence that he was prostituting himself on Fourteenth Street as well as picking (prostitutes) up;" and
>
> That Grossi asked questions about these "prostituting activities" and about the sexual activities of yet another page.

Grossi said he heard early in his interviews that Williams and another page were taking pages to Fourteenth Street, and that he probably asked other pages about this allegation in subsequent interviews. However, he denies having told anyone any page was fired for prostitution. In fact, Grossi said he did not learn of any page's dismissal until the termination of his investigation. Thus he could not have given anyone any reason for a page's dismissal during his interview.

Based on the interviews and the evidence, the Special Counsel concluded that Grossi did ask about pages' sexual conduct and about contacts with adults, but did not ask about Members of Congress or about Williams and prostitution. Rather the Special Counsel has concluded that these subjects were the result of assump-

tions or speculation on the part of pages about what lay behind Grossi's investigation.

C. Termination of the investigation

Grossi's reports indicate that Sergeant at Arms Guthrie instructed him to terminate the page investigation on February 11, 1982. Grossi has testified that the termination of the investigation at this stage was a surprise to him, inasmuch as he had not yet spoken to all the pages implicated in earlier interviews. In particular, he had planned to interview the second page, in addition to Williams, who was alleged to have taken other pages to Fourteenth Street. He said, however, that it was his understanding that the matter was to be handled "administratively," and that, while police involvement was no longer required, the questions raised by the investigation would be addressed.

Guthrie has testified that it is his recollection that, at the time of the termination, Grossi himself felt that he had pursued the matter as far as he could. Guthrie recalls that the pages who had not been interviewed had left Washington and were no longer accessible to the Capitol Police. In any event, on February 11, Guthrie felt that the investigation should be concluded. He pointed out that the investigation had been initiated by the police because of a page's missing wallet, and the primary suspect in the theft of the wallet, Leroy Williams, was then far from the jurisdiction of the Capitol Police. The information about page misconduct had been forwarded to the Doorkeeper of the House, who was responsible for the pages. Guthrie, therefore, felt that he and the police had done as much as they could.

Guthrie's recollection is supported by Grossi's first February 11 report, which the evidence indicates was given to Guthrie at the time Grossi met with him on February 11. In tone and in content that document suggests a final report.

Guthrie testified that he provided Grossi's written report to Molloy immediately following the February 11 meeting.

D. Action taken as a result of the investigation

(1) Notification of sponsors

Before the investigation ended, but after Guthrie and Molloy had received Grossi's report of his first interviews with pages, they met with House Speaker Thomas P. O'Neill to inform him that an investigation of pages was in progress. This meeting took place in the Speaker's office, probably on Friday, February 5 or Monday, February 8. Guthrie recalls that Molloy showed the Speaker the written reports of Grossi's interviews, but Molloy does not recall that he did so. Both agree that the meeting was brief; that it was solely to inform the Speaker, and that it was consistent with their practice to keep the Speaker advised of developments within their respective areas of responsibility.

Neither recalls with any specificity what was said at the meeting. Molloy says that he told the Speaker that an investigation of page activity was being conducted, but is uncertain that he specified it was being conducted by the police. He also says that he may have mentioned allegations regarding the stolen car, wild parties,

beer drinking, and homosexual activities. He says that he may have mentioned the possibility of homosexual activities involving Members of Congress, although he testified that he had not heard any allegations relating to Members and pages at this time. Guthrie recalls only that Molloy briefed the Speaker regarding the investigation. Both recall that the outcome of the meeting was that the Speaker instructed Molloy to inform the congressional sponsors of the pages of the information being developed about their pages.

The Speaker himself also recalls this meeting lasted only a few minutes. He remembers that Molloy told him there had been a problem with a page and that the problem involved the theft of a car and a wallet. He does not recall more than one page being mentioned. He does recall telling Molloy to inform the page's sponsor.

Over the next several days, Molloy contacted or attempted to contact the sponsors of pages named in Grossi's interview reports. Molloy recalls that he reached most of the sponsors or their staff, although he also recalls that he was unable to reach some of the sponsors. Most of those contacted by Molloy report that they received very little information regarding the substance of the investigation. Only Williams' sponsor, Representative Bethune, and one other sponsor reported receiving any indication of allegations of homosexual activity. In most cases Molloy simply reported that the page in question had been named in an investigation of misconduct.

Representative Bethune was visited by both Molloy and Guthrie on February 9. Guthrie and Molloy reported to Behtune about the items found in Williams' room indicating homosexual interests, the parties in his apartment, the allegations regarding trips to Fourteenth Street, and the evidence suggesting that Williams had stolen a page's wallet and another page's car. It is Bethune's recollection that there was no mention of any information relating to Members of Congress.

2. Dismissals

Molloy dismissed two pages. He testified that the performance of these two pages had been criticized by his staff in the past. In addition, Molloy said at the same time that Grossi reported they were misbehaving, he received reports from the Page School indicating that both had failed to meet minimum academic requirements. Considering all these factors, Molloy decided to send these pages home.

Grossi's final report indicates that a fourth page was also dismissed. In fact, this page was not dismissed. Molloy testified that he considered dismissing this page, because he had heard that the page had a drinking problem and that he was a source of trouble among the pages. But one of Molloy's subordinates told Molloy that the page performed well on the job. Molloy said that the page's Congressional sponsor also argued against his dismissal. Molloy decided to let the page stay, but instructed one of the page supervisors to speak to him regarding his behavior.

3. Warning to other pages

The Deputy Doorkeeper, Jack Russ, called a meeting of House pages in which he announced that some pages would no longer be in the program. The purpose of this announcement was to warn other pages of the consequences of misconduct. Molloy testified he was not a participant in this meeting and did not know it occurred.

E. Rumors resulting from the police investigation

Grossi's questioning of pages clearly lead to speculation among the pages about the origin and purpose of the investigation. The rumors and gossip stimulated by the investigation in fact greatly complicated the task of reconstructing what actually occurred in the course of the inquiry. Two examples should demonstrate how some of the rumors began. The evidence obtained by the Special Counsel supports Grossi's testimony that he asked the pages he interviewed about sexual contacts between pages and "non-page adults." At least one page who was interviewed assumed from that question that she was being asked about approaches by Members of Congress. Undoubtedly that page in turn told other pages that the U.S.C.P. was investigating sex between Members of Congress and pages.

The second example involves other pages interviewed by Grossi. A male page testified that Grossi had hinted about pornographic material, drugs, and a stolen wallet having been found in Williams' apartment. The page said that he had compared notes with a female page also interviewed by Grossi to try to figure why Williams was involved in these things. At that time the female page had said that Williams was acting as liaison between Congressmen and prostitutes. The male page said he believed his colleague was surmising this from Grossi's line of questioning.

This testimony is corroborated by that of another male page, who said he heard the same female page say that Williams had been involved in setting up a prostitution ring for Members of Congress. He said this remark occurred in a conversation in which pages were speculating about the reasons for the Grossi investigation.

Whatever the source of this rumor, it was plainly in active circulation before Grossi's investigation was even completed. On February 11, a staff member at the Democratic Study Group called a staff member of the Committee on Standards of Official Conduct to report a rumor that a page sponsored by Representative Bethune had been sent home. The rumor had a variety of details—most inaccurate—including the claim that the page was a homosexual who had been "pimping" for Members of Congress. The staffer who called in this rumor reports that he heard it from a staff member in Representative Schroeder's office. This staffer in turn heard the allegation from a page, Jeffrey Opp.

CONCLUSIONS

A. Scope of the investigation

Based on the evidence obtained in the course of this investigation, the Special Counsel has found that the U.S.C.P. investigation was based on allegations of misconduct by pages, and that at no

time in the course of the investigation did the police receive any significant allegations of misconduct by anyone else. The investigator conducting the inquiry did receive information that an unnamed Congressman had invited some pages to have a drink. But the investigator was also told that this invitation was not accepted. He asked questions of pages regarding their contacts with adults. While some pages recall that he asked questions regarding Members of Congress, no one has ever said that any information about misconduct by Members was ever provided to the U.S.C.P. Sergeant Grossi himself has testified that he received no information about Members of Congress, other than the information regarding the invitation for a drink. There is no evidence that the police ever received any other information in the course of this investigation which suggested misconduct by any Member or nonpage employee of the House.

B. Termination of the investigation

The Special Counsel has found it important to distinguish between two questions. First, from a law enforcement point of view, was the investigation prematurely terminated? In other words, were there indications of criminal activity that were intentionally ignored by the Capitol Hill Police when the investigation was concluded?

But this question must be distinguished from a second question that raises the broader responsibilities of the House of Representatives in supervising pages. That question is the following: Was appropriate follow-up action taken by someone in the House on the basis of the information developed by the Capitol Hill Police?

We turn first to the law enforcement question.

The Committee has deposed both House Sergeant-at-Arms Guthrie and Sergeant Grossi and has interviewed Grossi's police superiors, Deputy Chief Abernathy and Chief Powell, regarding the propriety of the termination of the police investigation. All agree that there was no longer any criminal matter to investigate when the inquiry was concluded on February 11. In their view, Grossi's effort began as an investigation of a stolen wallet. The prime suspect in that case, Williams, was hundreds of miles from the jurisdiction. Given the petty nature of the offense, there was no practical possibility of extradition. The stolen car, which did come to Grossi's attention in the course of the investigation, was a crime that was within the jurisdiction of and being investigated by the Metropolitan Police, not the U.S.C.P. (Grossi did inform the Metropolitan Police of the information he received regarding the car.) Grossi had received no other allegations of criminal activity within U.S.C.P. jurisdiction. Therefore, from the point of view of the Capitol Police, there was nothing further to investigate.

There is no evidence that the decision to terminate the Capitol Police investigation had its roots in any effort to conceal evidence of criminal misconduct or to conceal evidence of wrongdoing by Members, officers, or employees of the House. The Special Counsel has found no indication that the police possessed any such evidence or information.

But there clearly was a serious failure on the part of the House as an institution. While it may have been acceptable to conclude

the police investigation, information had been developed that required further action.

Grossi's investigation left the following questions outstanding:

1. Had minor pages in fact visited Fourteenth Street area and used the services of prostitutes?

2. Were commercial establishments in the vicinity of the Capitol routinely and consciously serving alcoholic beverages to minor pages?

3. Were pages using illegal narcotics?

4. Were pages attending all-night parties, to the detriment of their school and work performance?

But no further official inquiries were made by officers or employees of the House to answer these questions, until allegations of homosexual conduct involving Members of Congress and pages were publicized by the media in late June and early July, 1982.

No one took action that was plainly required. Specifically, nothing was done to determine with certainty whether pages had used the services of prostitutes. More importantly, nothing was done to prevent such activities in the future. No action was taken to stop several commercial establishments known to be patronized heavily by pages from serving them alcohol. No action, other than the implied threat in the announcement that two pages had gone home, was taken to stop the practice of all-night drinking parties by some pages.

In the judgment of the Special Counsel, the current fragmentation of responsibility for the pages resulted in a serious failure on the part of the House as an institution. Pages are sponsored by individual Members of the House. At work, they are supervised by the Doorkeeper's Office. The House requires the parents of a page to sign a written statement "assuring full responsibility for the safety, well-being and supervision of the [page] while living in the District of Columbia area." The Capitol Police have a narrow jurisdiction, and the metropolitan Police can hardly be expected to focus on the welfare of pages scattered in apartments on Capitol Hill.

Based on the evidence received in the course of this investigation, the Special Counsel believes that there is an urgent need for the House of Representatives to fix responsibility—formally and in writing—for the supervision of pages after working hours. In the Special Counsel's judgment, the lack of clear responsibility led directly to the failure to address the serious problems of misconduct that developed among the pages in 1981 and 1982. If the House chooses to employ teenage high school pages, establishing a page dormitory and a Page Board are steps in the right direction. But unless responsibility for supervision of teenage pages after working hours is clearly established, the problems that developed in 1981–82 are likely to recur.

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APPENDIX B

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., September 27, 1982.

Mr. JOHN FERRUGIA,
CBS Television News,
Washington, D.C.

DEAR MR. FERRUGIA: On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorizes the Committee on Standards of Official Conduct to carry out an investigation of—

(1) Alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) Illicit use or distribution of drugs by Members, officers, or employees of the House;

(3) The offering of preferential treatment by Members, officers, or employees of the House, including congressional pages, in exchange for drugs or sexual favors.

The Committee has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolution 518, which authorizes the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct, and my response at the time of appointment are enclosed.

In the course of our investigation, information has been received concerning statements you made in the course of interviews you conducted earlier this year. That information indicates that you stated to individuals whom you interviewed that you had knowledge of improper or illegal conduct by Members, officers or employees of the House of Representatives, within the scope of House Resolution 518, and that in at least some cases, you identified the person involved in such conduct.

Since the Committee has charged me with the responsibility to conduct a thorough investigation, I am requesting that you provide us with any information that you have falling within the scope of the investigation authorized by House Resolution 518. As a first step, I request that you meet with Mr. Hamilton P. Fox III of this office to discuss these matters, in House Annex II, Room H-2-507, at 3:00 pm, October 6, 1982. We are aware of the delicacy of the relationship between any government investigation and the press, but I believe it is important that we seek the cooperation of the press where a reporter has already disclosed the names of individuals to a number of people he has interviewed.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

CBS,
Washington, D.C., October 14, 1982.

JOSEPH A. CALIFANO, Jr., Esq.
Committee on Standards of Official Conduct.

DEAR MR. CALIFANO: I am replying to your September 27 letter to CBS News Correspondent John Ferrugia requesting that he meet with your staff in connection with your investigation pursuant to House Resolution 518. In your letter, you state that you have received "information" that Mr. Ferrugia stated to individuals whom he interviewed that he had knowledge of illegal or improper conduct by Members, officers or employees of the House and that, "at least in some cases," he identified such persons. Based on subsequent conversations with your staff, it is our understanding that a principal purpose of questioning Mr. Ferrugia would be to help assess the reliability of information obtained from certain individuals already interviewed by your staff.

As we have indicated we believe that sensitive First Amendment questions are raised by your request, even if it is limited to the above purpose. Because of the important issues involved, your request has received very careful consideration both by Mr. Ferrugia and the management of CBS News.

For many years, it has been the general practice of CBS News to provide to government agencies only that information concerning its news reports which is a matter of public record. In this respect, we are pleased to enclose transcripts of all television reports broadcast by CBS News on this story. However, your request for an interview goes beyond the as-broadcast materials, and into the area of unpublished information. It is Mr. Ferrugia's strong conviction and that of CBS News as well, that a discussion concerning unpublished material would unacceptably compromise the independence which would characterize the relationship between the press and the government.

In our view, questions as to whether and why particular statements were made during interviews with news sources go to the heart of the editorial process and are beyond the scope of legitimate inquiry by the government. It is obvious that reporters must ask questions in the course of gathering information for a story, that those questions often involve inquiries as to specific facts, and often as well involve attempts to confirm information already in the reporter's possession. (In the instant case, these questions involved not only inquiries about alleged misconduct but inquiries as well about the efforts of Members of the House to investigate such reports.) To later be interrogated by government investigators about what questions were asked and answers given can only chill the news gathering process.

We also believe it important to emphasize, in light of the significance which is apparently now being attached to statements allegedly made by Mr. Ferrugia, that CBS News believes that he acted entirely properly in his investigation and reporting of this story. Mr. Ferrugia's reports were completely factual, and dealt largely with allegations which were being actively investigated by the Justice Department, the FBI, the Arlington Police, the Speaker's Special Commission on Pages, and the Committee itself. Moreover,

given these investigations by government authorities, it is reasonable to believe that information which you might seek from Mr. Ferrugia is obtainable directly from these authorities.

In sum, the reports aired by Mr. Ferrugia represented what he and his superiors at CBS News concluded could be responsibly broadcast. Other information collected or discussed in the course of his inquiry has remained and must remain private and privileged. For the Committee to seek out such information from the reporter would, in our view, constitute a serious and unwarranted intrusion into the basic right of the press to go about its business on reporing, editing and publishing without governmental interference. Accordingly, Mr. Ferrugia, with the full support of CBS News, respectfully declines to be interviewed by the Committee staff.

Very truly yours,

JOSEPH DE FRANCO,
Washington Counsel.

APPENDIX C

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., August 20, 1982.

DEAR ———: The House of Representatives has authorized the Committee on Standards of Official Conduct to investigate alleged improper conduct by any Member, officer, or employee of the House in the following three areas: (1) alleged improper or illegal sexual conduct, (2) illicit use or distribution of drugs, and (3) the offering of preferential treatment to employees of the House, including Congressional pages, in exchange for drugs or sexual favors. The Committee on Standards of Official Conduct has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolution 518, which authorizes the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct, and my response at the time of appointment are enclosed. As those documents indicate, the Committee has charged me with responsibility to conduct a fair, impartial, thorough, and expeditious investigation.

One part of the investigation is specifically concerned with House pages, and I am writing each individual who, like you, has served as a page during the last three years. I hope your service as a page was an educational, personally rewarding, and worthwhile experience. But we need to know whether you have any information that relates to the subjects under investigation. The Committee and the House need your assistance.

I am sensitive to the delicate nature of the subjects of this investigation. We intend to conduct this inquiry in a fashion which will avoid unnecessary embarrassment to anyone. We are not seeking rumor or gossip. Rather, we are seeking any information that you have from personal knowledge or that you have received from a source who you believe to be reliable and truthful. If you have such information relevant to the three subjects of the Committee's inquiry mentioned in the first paragraph of this letter and the enclosed House Resolution, I urge you to provide us with it. To the

extent your experience indicates that allegations of improper conduct in the areas under investigation have no basis, we would appreciate hearing from you on that score as well.

Please contact me by sending a letter or by telephone. A properly addressed, franked envelope is enclosed for your convenience. If you prefer, you may call Jerry McQueen, Hamilton Fox, or Richard Cotton of our Special Counsel's office. You can reach them at: 202/225-8891 or 202/226-7760, and you may call collect. Because it is important to conduct this investigation as expeditiously as possible, if you do have information, you should contract us by September 15, 1982.

Those of you who have information may feel yourself caught between a personal desire not to be involved and your responsibilities to the House, to future pages, and as a citizen. Having served as a page, you are more aware, than most young Americans of the importance of the House of Representatives. I encourage you to assist the House and the Committee on Standards of Official Conduct in carrying out this investigation in order to preserve the integrity of the House and the confidence of the American people in our democratic institutions.

We are asking for your voluntary cooperation. It is important to the House of Representatives and your nation that you provide that cooperation, and I urge you to do so.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

APPENDIX B

STATEMENT OF ALLEGED VIOLATION IN THE MATTER OF GERRY E. STUDDS, MEMBER OF CONGRESS

COUNT ONE

During the period May, 1973, through August, 1973, the respondent, Gerry E. Studds ("Studds"), who at all times relevant to this Statement of Alleged Violation was a Member of the House of Representatives, did conduct himself in a manner which did not reflect creditably on the House of Representatives in violation of clause 1 of the Code of Official Conduct of the House of Representatives, in that he engaged in a sexual relationship with a 17-year-old male page (who may have been 16 years old when the relationship began), whom he knew to be employed at that time as a page by the House of Representatives. Specifically, Studds engage in sexual acts with a congressional page at various times during the period May through August, 1973, and during a trip he took with the page overseas in August, 1973, as more fully set out in the page's testimony, attached as Exhibit A to this Statement of Alleged Violation.

COUNT TWO

On another occasion in 1973, Studds did conduct himself in a manner which did not reflect creditably on the House of Representatives, in violation of clause 1 of the Code of Official Conduct of the House of Representatives, in that he made a sexual advance to a male page, whom he knew at that time was employed as a page by the House of Representatives and who was 16 or 17 years old at the time.

Specifically, Studds met the page at a bar on Capitol Hill in a group with other pages. As the group of pages broke up that evening, Studds offered to drive the page home. The page accepted. Instead, Studds drove him to his own house where they had one or more drinks. After consuming alcoholic beverages over a period of time at Studds' home, Studds made a verbal sexual advance, which the page declined. The page told at least two individuals in 1973 about the advance.

COUNT THREE

On another occasion in 1973, Studds did conduct himself in a manner which did not reflect creditably on the House of Representatives, in violation of clause 1 of the Code of Official Conduct of the House of Representatives, in that he made a sexual advance to another male page, whom he knew was at that time employed as a page by the House of Representatives and who was 17 years old at the time.

Specifically, Studds met the page at a bar on Capitol Hill one evening after a late session in the Spring of 1973. A number of other Members of the House, pages, and staff members were also present. Along with the others, Studds and the page consumed a large quantity of alcohol. Studds offered to drive this page home. The page accepted and they left the bar. Studds then invited this page to his home for another drink. After they arrived, Studds provided the page another alcoholic drink and invited the page up to a third floor room where they sat on a bed and talked. Studds then made a sexual advance which the page declined. The page told at least one individual in 1973 about the advance.

EXHIBIT A

Q. After you met Congressman Studds, did you and he get together again shortly after that?

A. Yes. Shortly thereafter—I am not sure how long, how long it was—but I was invited to go out to dinner with him and I did. The dinner took place at his apartment in Georgetown. Would you wish a follow-up question?

Q. The follow-up question would be what happened at that dinner?

A. Well, we sat around and talked about abstract and general questions, all types and descriptions, until four in the morning, drinking vodka and cranberry juice, at which time I was told by the Congressman that he was too drunk to give me a ride home and so he said, "Why don't you sleep here?" and I did.

* * *

Q. Did you and the Congressman get together subsequent to this?

A. Yes. I would imagine we had dinner three or four additional times. Specifically I do not recall. But that is in the ballpark.

Q. And did you engage in sexual activity each time?

A. Yes.

Q. When the Congressman first invited you to have dinner and as you got to know the Congressman, how did you feel in that environment, that a Congressman was talking with you?

A. I was flattered and excited.

Q. Did you feel intimidated?

A. No, I did not. I would like to state at this time—it would probably have been better if I had stated this in my opening statement—but the Congressman or the Honorable Gerry Studds was an intelligent, witty, gentle man with I think a high level of insecurity. He did nothing to me which I would consider destructive or painful. In another time, in another society, the action would be acceptable, perhaps even laudable. Unfortunately this is not the case. I have no axe to grind with him. I have nothing negative to say about the man. In fact, I thought that he provided me with one of the more wonderful experiences of my life, if we exclude the instances of sexual experience which I was somewhat uncomfortable with. But I did not think it was that big a deal.

* * *

Q. You said you felt uncomfortable with it, did you continue with him because he was a Congressman, because he was someone you were impressed with?

A. No. Well, I kept company with him because he was an intelligent man, a fun person to be with. If I could have had my druthers, I would have had the friendship that I had with the man without the sex. And I mentioned that to him.

* * *

Q. Did Mr. Studds ever offer any preferential treatment or offer you any inducement to have a relationship with him?

A. No, he did not.

Q. Did he ever threaten you or coerce you if you did not have a relationship with him?

A. He did not. Essentially all I needed to do to stop the relationship was to walk out the door, or not go in the door, as the case may be.

APPENDIX C

Statement of Alleged Violation in the Matter of James C. Howarth

COUNT ONE

During the period from approximately April, 1980, through mid-June, 1980, the respondent, James S. Howarth ("Howarth"), who at all times relevant to this Statement of Alleged Violation was Majority Chief Page and an employee of the House of Representatives, violated clause 1 of the Code of Official Conduct of the House of Representatives by engaging in a sexual relationship on a regular basis with a 17-year-old female page who was at the time employed as a congressional page by the House of Representatives and was under his direct supervision. Specifically, during this period Howarth and the page spent many nights at Howarth's apartment and engaged frequently in sexual relations.

The House of Representatives has special responsibility for the teenage pages it employs. Those employees of the House who supervise pages have a derivative obligation amounting to a fiduciary duty to act with propriety toward their teenage charges.

By engaging in a sexual relationship with a female page under his supervision, Howarth breached his fiduciary duties to pages, abused the trust given him as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

COUNT TWO

During the period from approximately April, 1980, through mid-June, 1980, Howarth failed to execute his duties as Majority Chief Page and dispensed special favors and privileges in violation of clause 3 and clause 5 of the Code of Ethics for Government Service and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, during this period Howarth allowed the female page referred to in Count One with whom he was having sexual relations and who was under his supervision, to absent herself from her page duties whenever she chose. These special favors and privileges constituted preferential treatment of a page as a consequence of a sexual relationship.

By violating the Code of Official Conduct and the Code of Ethics for Government Service, Howarth breached his fiduciary duties to pages, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

COUNT THREE

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, section 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period Howarth purchased one gram of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the thrust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

COUNT FOUR

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, section 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period, Howarth purchased one-eighth of an ounce of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

APPENDIX D

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., November 16, 1982.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: House Resolution 518, which was passed by the House on July 13, 1982, authorized this Committee to conduct an investigation of alleged improper or illegal sexual conduct by Members, officers, or employees of the House and of alleged illicit use or distribution of drugs by Members, officers, or employees of the House. In addition, H. Res. 518 authorizes the Committee to include within the scope of its inquiry any matters "relevant to discharging its responsibilities pursuant to [H. Res. 518] or the Rules of the House of Representatives."

The Committee has received allegations that two investigations conducted by the U.S. Capitol Police into matters that fall within the scope of H. Res. 518 may have been prematurely terminated. First, in early 1980 the Capitol Police conducted an investigation into drug activity among certain Hill staff which resulted in the arrest of several lower level Senate employees for the use of marijuana. This Committee has received allegations from officers involved with that investigation that information was developed at that time concerning possible use or distribution of illicit drugs by personnel of the House of Representatives. According to the allegations made to the Committee, this information was not properly pursued at the time. Second, the Capitol Police conducted an investigation in January and February of 1982 into the events surrounding the discharge of a House page. Questions have also been raised as to whether the January-February 1982 investigation was properly pursued.

At this time, we have no basis whatsoever to assess the accuracy or inaccuracy of these allegations. Neither the Special Counsel to this Committee nor the Committee has reached any conclusions as to whether these allegations have merit or not. This Committee has concluded, however, that the Committee should investigate these allegations as part of its responsibilities under H. Res. 518. In particular, this Committee feels obliged to investigate: (1) whether the conduct of the employees of the House who serve as Capitol Police officers violated any law or applicable standard of conduct with respect to matters covered by H. Res. 518; and (2) whether the Capitol Police have information that bears on the matters covered by H. Res. 518.

The jurisdiction of this Committee extends only to the conduct of Members, officers, or employees of the House of Representatives. The Capitol Police are supervised by the Capitol Hill Police Board, consisting of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms of the Senate, and the Architect of the Capitol. The Capitol Police have approximately 1200 officers. Approximately 650 of these officers are employees of the House of Representatives; approximately 550 are employees of the Senate.

The investigation which this Committee believes is necessary will entail review of the conduct of Capitol policemen who are employees of the Senate. Further, any such investigation may uncover evidence bearing on the conduct of other employees of the Senate. In any event, such an investigation into the Capitol Police conduct of the two investigations identified above will require questioning Senate employees, and may also require examination of documents in the possession of Senate employees or Senate offices. Because these matters are outside the jurisdiction of our Committee, we would like to establish a joint cooperative arrangement with the Senate that will allow the investigation to proceed while respecting the jurisdiction of the House and of the Senate.

We are prepared to work with the Senate in whatever way would be appropriate. We are also prepared to carry out the investigation utilizing our Special Counsel's investigative staff and to report to the Senate and the Senate Select Committee on Ethics any information that we acquire bearing on matters that fall within the Senate's jurisdiction.

Please let me know how the Senate would like to proceed on this matter.

Sincerely,

LOUIS STOKES,
Chairman.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., November 23, 1982.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have received your letter in which you request that the Senate and the House devise a working relationship that would respect the jurisdiction of both houses in order to investigate the U.S. Capitol Police conduct of two previous investigations.

In light of the allegations that your Committee has received, the Senate agrees that the investigation which you proposed should be carried out. As you recognize, the Senate and the Senate Select Committee on Ethics have exclusive jurisdiction with respect to the conduct of officers and employees of the Senate. Under the circumstances of this case, however, it would be difficult and counterproductive to initiate separate House and Senate investigations into the matters you have identified.

We believe the arrangement that would best serve the interests both of the House and Senate would be for your Committee to pursue the investigations you outlined, utilizing the investigative resources of your Special Counsel's office. For this purpose, the office of your Committee's Special Counsel may question employees of the Senate and request documents of Senate employees and offices relative to Capitol Police conduct of the two investigations in question.

To the extent that the investigation develops any information bearing on conduct of employees of the Senate, such information should be forwarded to Senator Malcolm Wallop, Chairman of the Select Committee on Ethics; Senator Howell Heflin, Ranking Minority Member of that Committee; and to me.

It is my understanding that this arrangement is acceptable to your Committee. Thank you for your cooperation in this matter.

Sincerely,

HOWARD H. BAKER, JR.

APPENDIX E

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., June 13, 1983.

JAMES J. BIERBOWER, Esq.,
Bierbower & Bierbower, 1875 Eye Street NW.,
Washington, D.C.

DEAR MR. BIERBOWER: Pursuant to House Resolution 518 of the 97th Congress and House Resolution 12 of the 98th Congress, the House Committee on Standards of Official Conduct has been conducting an investigation into allegations of "improper or illegal sexual conduct of Members, officers, or employees of the House." I have been acting as Special Counsel to the Committee in the conduct of this investigation.

In the course of this investigation, we have received allegations and obtained evidence of a sexual relationship between your client, Representative Daniel Crane of Illinois, and a House page. The evidence we have indicates that this relationship occurred in 1980.

Specifically, we have obtained sworn testimony from a former House page whose identity we have given to you that in the spring of 1980, Representative Crane engaged in a sexual relationship on several occasions with that individual, who was then employed as a House page. The sexual conduct between Representative Crane and the page occurred at Representative Crane's apartment in Virginia. The page was seventeen years old at the time. In a deposition before the Committee on May 17, 1983, Representative Crane acknowledged having had sexual relations with that individual on at least two or three occasions. In short, the evidence clearly indicates that a sexual relationship occurred between a Member of the House of Representatives and a teenage page.

The legislative history of House Resolution 518 as well as the legislative history of other House actions involving pages reflects a recognition by the House of the special responsibility the House has in relation to House pages. It is clear from this legislative history that the House of Representatives stands in loco parentis to the teenage pages it employs. As the Doorkeeper of the House has testified, the pages are the "wards" of the House. Under the circumstances, a sexual relationship between a Member of the House and a House page, even if consensual, constitutes a breach of the official obligations of the Member of the House. Any such sexual relationship constitutes the precise type of improper sexual conduct covered by H. Res. 518 and H. Res. 12 and constitutes a violation of Rule 1 of the Code of Official Conduct of the House of Representatives, which states:

> A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

It is clear that the House has jurisdiction over this matter. In House Report 351, 96th Congress, 1st Session, pp. 3–5, the Committee most recently set forth its jurisdiction to recommend disciplinary action for conduct occurring in previous Congresses. The House subsequently adopted the recommendations of the Committee contained in this report, and censured Representative Charles C. Diggs, Jr. for conduct which occurred during the 93rd to 95th Congresses. In addition, in Report 930, 96th Congress, 2d Session, the Committee determined that the statute of limitations and the principle of laches are not applicable to congressional disciplinary proceedings. The House concurred in this judgment by the Committee, by adopting in 1980 a resolution of censure against Representative Charles H. Wilson, for conduct which occurred in 1971 and 1972.

In light of the above, it is my responsibility to recommend that the Committee take action to disapprove of Representative Crane's conduct. This matter obviously involves issues of great sensitivity for everyone, and I am particularly concerned about the page involved if there are extended public proceedings. Under the existing Committee rules, Representative Crane is entitled to receive a Statement of Alleged Violations from the Committee. Following the issuance of such a Statement, the Committee would establish a time-table for motions and briefs by counsel, and for a public hearing with testimony and cross-examination of witnesses.

Procedures other than the Committee's established ones may be more appropriate to this case. Section 8 of H. Res. 518, 97th Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate." If Representative Crane does not wish to contest the factual findings of the Special Counsel and waives his right to a Statement of Alleged Violations and to a public hearing, I would be prepared to recommend that the Committee adopt the following procedure:

The Committee would provide Representative Crane with his counsel the opportunity to present to the Committee, either orally or in writing, a statement or argument concerning any legal, jurisdictional or other matters he wished to raise (including arguments in mitigation). This statement would be made before the Committee in executive session and would be analogous to the opportunity provided in Rule 11(a)(2)(A) of the Committee's Rules to a respondent in a preliminary inquiry initiated by the Committee. The Special Counsel would then file his report and recommendations with the Committee, which will include a recommendation that this report, and the facts in this case be made public, and the Committee would then act. Under this procedure, there would be no public hearing before the Committee.

The current investigation has been conducted pursuant to House resolution. In any event, the Committee wants to assure that Representative Crane has had all rights which would have accrued to him if this investigation had been carried out as a preliminary inquiry instituted by vote of the Committee. In a preliminary inquiry, Representative Crane would have the "opportunity to present to the Committee, orally or in writing a statement respecting the allegations" in

question. Therefore, Representative Crane is invited to appear before the Committee at 9 a.m. on Wednesday, June 22, 1983. If Representative Crane agrees to the procedure set out above, the June 22 meeting will afford the opportunity to present those arguments which you wish the Committee and the Special Counsel to consider. Otherwise, the June 22 meeting will serve simply as the opportunity to make a statement analogous to the one described in Rule 11(a)(2)(A).

In the alternative set out above, I have tried to propose a procedure that is fair to your client, sensitive to the interests of the pages, consistent with maintaining the integrity of the Committee on Standards of Official Conduct and the House of Representatives, and within H. Res. 518's proviso that the Committee is authorized to adopt special rules of procedures as may be appropriate in this investigation. This letter represents my own thinking on this issue and does not constitute any prediction of what action the Committee or House may choose to take.

Sincerely,

JOSEPH A. CALIFANO, Jr.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., June 28, 1983.

JAMES J. BIERBOWER, Esq.,
Bierbower & Bierbower,
Washington, D.C.

DEAR MR. BIERBOWER: As your son, Mark Bierbower, and I discussed by telephone yesterday, I am writing to assure that we both have the same understanding of the procedures to be followed in the case involving your client, Representative Daniel Crane. In your appearance on behalf of Representative Crane before the Committee on Standards of Official Conduct, on June 22, 1983, you stated: "We willingly accept the special rules and make the necessary waivers." Your statement indicates that Representative Crane has agreed to the proposed procedure I outlined in my letter to you of June 13, 1983. Specifically, it is my understanding that Representative Crane (1) does not contest the facts as outlined in my June 13 letter, (2) waives his right to a Statement of Alleged Violation in connection with those facts, (3) waives his right to a public hearing before the Committee in this matter, and (4) agrees that the Committee may act on the basis of (a) the report the Committee will receive from its Special Counsel and (b) your June 22 statement on Representative Crane's behalf and any written presentation submitted by you no later than close of business, Thursday, July 7, 1983.

I would appreciate it if you would confirm this statement of Representative Crane's position in writing.

The Special Counsel's report concerning this matter will be submitted to the Committee no later than the middle of July. After receiving the Special Counsel's report, the Committee will take whatever action the Committee decides is appropriate in this case.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.

APPENDIX F

BIERBOWER & BIERBOWER,
Washington, D.C., July 7, 1983.

JOSEPH A. CALIFANO, Jr., Esq.,
Special Counsel, Committee on Standards of Official Conduct, U.S. House of Representatives, Washington, D.C.

DEAR MR. CALIFANO: Thank you for your June 28, 1983 letter concerning procedures to be followed in connection with Representative Daniel Crane.

In my appearance before the Committee on Standards of Official Conduct, on June 22, 1983, I did indeed indicate that Representative Crane agreed to the proposed procedure set forth in your letter of June 13, 1983. Specifically, Representative Crane (1) does not contest the facts outlined in your June 13, 1983 letter to me, (2) waives his right to a statement of alleged violation in connection with those facts, (3) waives his right to a public hearing before the Committee, and (4) agrees that the Committee may act on the basis of (a) the report of its Special Counsel, (b) my June 22, 1983 statement on Representative Crane's behalf and (c) my July 7, 1983 letter to Chairman Stokes setting forth Representative Crane's position.

Respectfully,

JAMES J. BIERBOWER.

BIERBOWER & BIERBOWER,
Washington, D.C., July 7, 1983.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is a statement of the legal, jurisdictional and mitigating points in support of Representative Daniel Crane's position with regard to your Committee's investigation of his activity with a female page in the spring of 1980.

I. The Committee should take no action or, in the alternative, the Committee should seal the names of those involved.

A. In lieu of reporting this matter to the House and making a recommendation, this Committee may

(1) Decline to take any action with respect to the individual conduct (*i.e.* seal the file) or

(2) Report the conduct to the House, without making a recommendation, and seal the names of the individuals involved.

B. Public disclosure of the activity and names of the individuals would impose an immediate severe punishment entirely disproportion-

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ate to the activity involved. Specifically, the Committee should decline to take any action with respect to the activity for the following reasons.

(1) It is evident, as Special Counsel has acknowledged, that no criminal activity is involved. The activity in no way violated any Federal, state or local law.

(2) It is debatable whether the activity constitutes "improper" sexual conduct within the meaning of H. Res. 518 and H. Res. 12, which confer jurisdiction upon the Committee.

(3) The activity does not constitute a violation of any specific provision of the Code of Official Conduct of the House of Representatives. The only such provision cited by Special Counsel is the catch-all provision of Rule 1 of the Code of Official Conduct, which states:

> A member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

(4) The activity involved no seduction. It was brief, consensual and voluntary.

(5) The activity did not involve the performance of official duties or responsibilities. The conduct was strictly "off-duty," away from Capitol Hill, and involved the privacy of two persons "on their own time," after work hours. The conduct does not fall within the generally accepted meaning of the term "improper," which relates only to conduct "not suited to character, time and place."

(6) This event involved a mature young woman with her own life to lead. It is understood that she accepts her share of blame for the incident.

(7) It is evident, as Special Counsel has acknowledged, that no favorable treatment was exchanged.

(8) If there is any limit to the postulate that the House of Representatives stands in loco parentis to its pages, this conduct must fall outside that limit. The page was not under the Congressman's patronage. She was mature beyond her years. The activity was totally unrelated to official duties. It took place away from the Hill.

(9) The conduct was over and done with more than three years ago.

(10) Reporting the conduct to the public will serve no purpose and can only be detrimental to the House and the page program.

C. There are strong mitigating factors which deserve the Committee's careful consideration and which should compel a decision against reporting the activity. The following factors strongly suggest that no action should be taken:

(1) The career of an elected politician may well be at stake.

(2) The well-being of the family of an elected politician, including his wife and five children, is at stake.

(3) The life of a young woman is at stake. Even the reporting of the activity, without names would bring tremendous pressure upon the young woman, who (we understand) is still in college. It is inevitable that her name would surface under relentless pressure

from the press. She would become instantly infamous and would suffer greatly from consequent notoriety.

II. Strong legal and jurisdictional arguments exist for a Committee decision against taking any action with respect to the conduct involved. Reporting the activity to the House would do no one any good. The arguments against Committee action outweigh any argument to report this activity to the full House. Furthermore, there are compelling mitigating circumstances which merit the Committee's reflection. The mere release of information and names to the public would cause grave, irreparable harm and punishment far in excess of any improper conduct involved.

For the foregoing reasons, the Committee should decline to act, and all references to the names and conduct involved should be sealed and stricken from any report to the full House.

We request that copies of this letter be furnished to all members of the Committee.

Respectfully,

JAMES J. BIERBOWER.

APPENDIX G

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., March 24, 1983.

MORRIS M. GOLDINGS, Esq.,
Mahoney, Hawkes, & Goldings,
1 Walnut Street, Boston, Mass.

DEAR MR. GOLDINGS: Congressman Louis Stokes, Chairman of the Committee on Standards of Official Conduct, has previously informed your client, Congressman Gerry Studds, that his name has come to the Committee's attention in connection with matters being investigated by the Special Counsel's office, pursuant to H. Res. 518 of the 97th Congress and H. Res. 12 of the 98th Congress.

In that connection, Chairman Stokes and Congressman Floyd Spence, the Ranking Minority Member, have authorized me to request Congressman Studds' deposition. If it is convenient with your schedule and the Congressman's, I should like to conduct the deposition at 10:00 a.m. on April 13, 1983 in Room 321 of the Cannon House Office Building. This deposition will be conducted in executive session. The Congressman has the right to representation by counsel. Copies of H. Res. 518 and H. Res. 12, [illegible]ules of the Committee, and the pertinent portions of the House [illegible] enclosed.

If you have any questions [illegible]his matter or the scheduling arrangements, would you please [illegible]me at 202-862-1044, or Hamilton P. Fox, III, Associate De[illegible]ial Counsel, at 202-225-8891.

Thank you for your cooper[illegible] matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

Enclosures (4).

MAHONEY, HAWKES & GOLDINGS,
Boston, Mass., May 31, 1983.

HAMILTON P. FOX III, Esq.,
Associate Special Counsel,
Committee on Standards of Official Conduct,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FOX: I am writing this letter in response to your telephone request of May 27, 1983 to confirm that Congressman Gerry Studds has, on advice of counsel, respectfully declined the request set forth in Mr. Califano's letter of March 24, 1983 to appear for a deposition before the Committee on Standards of Official Conduct.

My partner, Charles Francis Mahoney, and I feel that it may be useful to review briefly the grounds upon which we had advised Congressman Studds to decline the Committee's request so that counsel and, if appropriate, the Committee, may understand the basis for the Congressman's declination. We recognize, of course, that each of these issues has been raised with you before and thus we shall only summarize our position once again in this letter.

First, while we have been informed and believe that we understand the rationale behind the Committee's preference to proceed in the comparatively informal manner in which it has undertaken its investigation to date and commend the confidentiality with which the Committee has undertaken its investigation, the inevitable effect of this method of procedure as contrasted with a more formal process under the Committee's Rules is to leave a person in Congressman Studds' position without formal notice or even accurate knowledge of the precise subject matter of a potential deposition. He would therefore be unable to prepare adequately for such an appearance in view of the potential breadth of subject matter and the span of years which might be involved.

Second, our interpretation of potentially applicable claims of privilege available to a witness has resulted in our determining that such claims may not be made as effectively, and possibly not at all, in the context of a voluntary appearance for a deposition.

Third, there remain unresolved both the respective positions of counsel to the Committee and our own as to the jurisdiction of the Committee in the light of the provisions set forth in House Resolution 518 and House Resolution 12. In our prior correspondence, we have each set forth these positions, and we do not believe it would serve any particular purpose to argue them further in this letter. In view of the difference of opinion, however, counsel has necessarily weighed the jurisdictional question in advising Congressman Studds.

Notwithstanding all of the above, but without intending to waive the issues of jurisdiction or any potential claim of privilege, we have requested Congressman Studds to search his records for the documents requested in your letter of May 23, 1983 as to which I informed you there would be no necessity to issue a subpoena in order to obtain a response. As I believe you recognize, however, the material sought is ten years old and may not be now in the Congressman's possession, custody or control because of the passage of time. In order to give you a comprehensive response, we have asked the Congressman to search his records not only in Washington, but in the District, and he is doing so this week. He is scheduled to return to Washington later this week at which time he will complete the search, and I will attempt to respond to you immediately thereafter and forward whatever material has been found or otherwise write to you the results of the documents search.

Needless to say, we would be available for further discussions on any of the legal issues alluded to in this letter if you or Mr. Califano thought that productive.

Thank you for your attention in this regard.

Very truly yours,

MORRIS M. GOLDINGS.

APPENDIX H

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., June 27, 1983.

CHARLES F. MAHONEY, Esq.,
MORRIS M. GOLDINGS, Esq.,
Mahoney, Hawkes & Goldings,
One Walnut Street, Boston, Mass.

DEAR MESSRS. MAHONEY AND GOLDINGS: As my partner, Richard Cotton, discussed with Mr. Goldings this morning, I am writing to assure that we both have the same understanding of the procedures to be followed in the case involving your client, Representative Gerry Studds. Based on a review of the transcript of the meeting of the Committee on Standards of Official Conduct on June 22, 1983, it is my understanding that Representative Studds does not accept the procedure proposed in my letter to you of June 13, 1983.

Mr. Goldings stated to the Committee:

> In appearing today the Congressman does not seek a contest of the essential facts. The analysis assumes that in 1973 the Congressman and a page, who was over the legal age of consent as established by the laws of the District of Columbia, as enacted by Congress, engaged in a private sexual relationship. The facts will also require a finding that the relationship involved no coercion, harassment, preferential treatment or use of illegal drugs.

As we understand it, your statement and Representative Studds' statement further indicated that Representative Studds does not waive his right to a Statement of Alleged Violation nor his right to a public hearing under the rules of the Committee in connection with the matters discussed in my June 13 letter.

We are proceeding on that basis. As Mr. Cotton discussed with Mr. Goldings, the Special Counsel's report to the Committee concerning this matter will be submitted no later than the middle of July. We expect the Committee to act shortly thereafter.

If our understanding of your client's position is incorrect in any way, I would appreciate hearing from you in writing by the close of business on July 1, 1983. Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.

MAHONEY, HAWKES & GOLDINGS,
Boston, Mass., June 28, 1983.

Express Mail.

JOSEPH A. CALIFANO, Jr., Esq.,
Special Counsel, U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C.

DEAR MR. CALIFANO: In response to your letter of June 27, 1983 and confirming the discussion which Mr. Goldings had with Richard Cotton preceding receipt of that letter, the position of our client, Congressman Gerry E. Studds, is in part as stated in your letter. That is, the Congressman does not accept the procedure proposed in your letter of June 13, 1983 for the reasons set forth in the Statement of Counsel and in Congressman Studds' Personal Statement to the Committee on June 23, 1983.

Briefly, restating our view, we believe that a procedure which discloses the identity of the Congressman and a summary statement of the facts, even though not disclosing the names of other individuals, is unfair to Congressman Studds in the light of the actual facts surrounding the incidents alleged and their staleness. Further, we believe that it must be anticipated that a public disclosure will result in such intense press coverage as to render the anonymity of the individuals involved meaningless and probably inevitably engender speculation, exaggeration and sensationalism, with all of the unfairness attendant thereon.

Your letter is also partially correct with respect to Congressman Studds' not waiving his right to a Statement of Alleged Violation nor his right to a public hearing. Such non-waiver is only a portion of our position as to the proper procedures under which the Committee is presently acting. It is our opinion that Congressman Studds is entitled to the full consideration of the Committee as to whether or not a preliminary inquiry should be commenced and we have urged, and will continue to urge the Committee, not to vote such a procedure.

We are not in agreement with your apparent interpretation of the applicable resolutions and rules to the effect that the procedure afforded us, which was described as "analogous" to the presentation of a statement, substitutes for the actual procedure. We read Rule 13 of the Rules of Procedure of the Committee to mandate that an inquiry begun other than by a complaint filed with the Committee under Rule 10 must still follow Rules 11 and 12 in their entirety. Specifically, we see no authorization to eliminate that portion of Rule 11 which provides that "upon completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to the Committee a report containing a comprehensive summary of the information received in the inquiry and may include in the report a recommendation for action by the Committee respecting the alleged violation which was the subject of the inquiry." So that our position will be entirely clear, the report which your letter anticipates being filed will not, in our view, satisfy the requirements of that provision of Rule 11.

Consistent with our position, we believe that Congressman Studds has the right to have the Committee determine on the basis of the "report of the Committee staff on the preliminary inquiry" whether to

"direct the staff to transmit to the respondent a Statement of Alleged Violation." We emphasize that the language contained in Rule 11(b) is that after such a Committee determination the Committee "may" so direct the staff, but we emphasize that it clearly *may not* as well. We believe that by eliminating a meaningful preliminary inquiry procedure, the Committee is not given the full opportunity to deliberate on its discretionary authority, and it was an appeal to the discretionary powers which was explicit in the presentations made on June 22, 1983.

As you know, we have consistently questioned the precise status of the procedure in this matter, but have attempted to cooperate at each stage without waiving the Congressman's rights. We wish to continue to do so. With that in mind, again referring to our Statement and that of Congressman Studds', we are asking you as Special Counsel and the Committee to give counsel an opportunity, either before the filing of your report or betweeen the time of its filing and its final consideration by the Committee, to explore the resolution proposed in our Statement, the essence of which is a summary review of the facts without disclosure of the Congressman's name or the names of other individuals involved, concluding, if the Committee so desires, with a statement of its disapproval of such actions as a violation of Rule I of the Code of Official Conduct. No doubt there are other procedures which will preserve the intended goals proposed by our Statements, and we are available at your or the Committee's direction to meet to attempt to resolve this matter consistent with those goals.

Very truly yours,

MORRIS M. GOLDINGS.
CHARLES FRANCIS MAHONEY.

APPENDIX I

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., March 2, 1983.

Mr. JOSEPH VOLZ,
New York Daily News,
Washington, D.C.

DEAR MR. VOLZ: On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorizes the Committee on Standards of Official Conduct to carry out an investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House, including congressional pages, in exchange for drugs or sexual favors.

This investigation was reauthorized by the House in the 98th Congress in House Resolution 12, on January 3, 1983. The Committee has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolutions 518 and 12, which authorize the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct at the time of appointment, and my response, are enclosed.

In the course of our investigation, we have reviewed an article you wrote, entitled, "Say Dem & Page Went On Gay Tour," which was published by the New York Daily News on July 8, 1982. That article indicates that you have knowledge of improper or illegal conduct by Members, officers or employees of the House of Representatives, within the scope of House Resolutions 518 and 12. Since the Committee has charged me with the responsibility to conduct a thorough investigation, I am requesting that you provide us with any information that you have that would enable me to identify the Congressman and the page who are referred to, but not identified, in your article. I request that you meet to discuss these matters with Mr. Hamilton P. Fox III, Associate Special Counsel, at 2:00 P.M., Friday, March 4, 1983, in Room 507 of House Annex No. 2.

We are aware of the delicacy of the relationship between any government investigation and the press, but I believe it is important that we seek the cooperation of the press where a reporter indicates that he has knowledge of a Member of Congress who may have engaged in improper or illegal conduct. I believe that your affirmative response

to this request will be consistent with your responsibilities as a member of the press.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

Enclosures.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., April 12, 1983.

Mr. JAMES WIEGHART,
Editor, The New York Daily News,
New York, N.Y.

DEAR MR. WIEGHART: On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorized the Committee on Standards of Official Conduct to carry out an investigation of:

> (1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House; . . .

This investigation was reauthorized in the 98th Congress by House Resolution 12. The Committee has appointed me as Special Counsel to conduct this investigation.

On July 8, 1982 the New York Daily News published an article written by Joseph Volz, entitled, "Say Dem & Page Went on Gay Tour." The article stated that "A Democratic congressman took a Capitol Hill page on a tour of gay bars in Key West, Florida, during a Christmas vacation" in December, 1979. The article cited the source of this story as "a Washington resident" who said he saw the page and the congressman in a Key West bar in December, 1979. The article did not name the congressman or the page.

Since the Committee has charged me with the responsibility to conduct a thorough investigation, investigators and attorneys on my staff contacted the reporters who worked on this story, Joseph Volz and Robert Garrity of the Daily News' Washington Bureau. These reporters talked briefly with my staff, then referred all inquiries to Lars Nelson, your Washington Bureau Chief. Mr. Nelson refused to comment on the story.

While I am aware of the delicacy of the relationship between any government investigation and the press, I believe it is important that we seek the cooperation of your newspaper concerning matters you have reported which, if proven, appear to fall squarely within the scope of the investigation. In this context, it is worth noting that the Daily News and its reporter, Ken Auletta, recently cooperated extensively with the Senate Foreign Relations Committee during its hearings on the nomination of Kenneth Adelman to head the Arms Control and Disarmament Agency. Mr. Auletta testified before the Committee in open session, and his handwritten notes of his interview with Mr. Adelman were made available to the Committee.

Here we do not even seek either the testimony or interview notes of Messrs. Volz and Garrity. Rather we seek only whatever guidance they can give us as to the identity of the Congressman and the identity of the page. This guidance can remain strictly confidential. If the source

of this story is willing to speak with my staff, we would also like to know his name.

Since the Daily News, through one of its reporters, has recently been willing not only to testify publicly but also to furnish his interview notes, I cannot understand how my request would be unduly burdensome. Certainly my request seeks far less than the News enthusiastically provided to the Senate Foreign Relations Committee, so there can be no First Amendment issue here.

I am therefore requesting that Messrs. Volz and Garrity meet with Hamilton P. Fox III, Associate Special Counsel, and Myles V. Lynk of the Special Counsel's Office in our offices at Room 509 of House Annex 2, at Third and D Street, S.W., in Washington, D.C., by April 22. Mr. Fox will contact you (or your attorneys if you designate them) to set the exact date.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

THE DAILY NEWS,
New York, N.Y., April 18, 1983.

Mr. JOSEPH A. CALIFANO, Jr.,
Special Counsel, House Ethics Committee,
Washington, D.C.

DEAR MR. CALIFANO: This is in response to your letter of April 12 regarding the investigation of the House Committee on Standards of Official Conduct in the alleged improper activity by members, officers or employes of the House of Representatives. In that letter, you expressed an interest in having members of your investigative staff interview two members of the Daily News Washington Bureau—Joseph Volz and Robert Gearty—regarding a story they wrote on July 8, 1982. That story alleged that "a Democratic congressman took a Capitol Hill page on a tour of gay bars in Key West, Florida," in December 1979. You said that a member of your investigative staff talked briefly to Volz and Gearty regarding this story. But you went on to say that you are requesting Volz and Gearty meet with Hamilton P. Fox III and another member of your staff at your staff offices in Washington, D.C. by April 22 to discuss the matter further.

I have talked to Lars-Erik Nelson, our Washington Bureau chief, and to Joe Volz regarding this request and I have ascertained that Volz is unable to contribute anything beyond what appeared in his article, because of a confidentiality commitment he had given to a source. I am therefore, advising Voltz and Gearty not to discuss the matter further with members of your investigative staff.

In your letter you refer to a recent congressional inquiry in which a Daily News columnist—Ken Auletta—cooperated extensively with the Senate Foreign Relations Committee. I am aware of that cooperation and was a party to it. But I must say the situations are not analogous. Auletta testified under subpoena before the Senate Foreign Relations Committee on an interview he held with Kenneth Adelman and on which he had written a column. In addition to his testimony, Auletta provided the committee with some notes he had taken. The notes also were reported in Auletta's original column. There was no issue of a

confidential source involved in the Auletta matter. It was simply a situation in which Auletta testified under subpoena as to what he had written regarding the issue at hand. His notes and a copy of his telephone bill for that period were submitted as further evidence that the conversation which he wrote about actually did occur.

In the situation at hand involving Volz and Gearty, there is a confidential-source relationship.

Needless to say, I regret that the Daily News is unable to be of further assistance to your investigative staff on this matter.

Sincerely,

JAMES G. WIEGHART.

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